

7-13-2015

State v. Meyer Clerk's Record Dckt. 43332

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Supreme Court Case No. 43332

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE RICHARD D. GREENWOOD

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Douglas Earl Meyer

Date	Code	User		Judge
8/25/2014	NCRF	PRSCHOKF	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRSCHOKF	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 08/25/2014 01:30 PM)	Cawthon / Irby
	ARRN	TCCHENKH	Hearing result for Video Arraignment scheduled on 08/25/2014 01:30 PM: Arraignment / First Appearance	Cawthon / Irby
	CHGA	TCCHENKH	Judge Change: Administrative	Michael Oths
	ORPD	TCCHENKH	Order Appointing Public Defender Ada County Public Defender [file stamped 07/26/2014]	Michael Oths
	HRSC	TCCHENKH	Hearing Scheduled (Preliminary 09/08/2014 08:30 AM)	Michael Oths
	BSET	TCCHENKH	BOND SET: at 20000.00 - (I37-2732(a)(1)(A) {F} Controlled Substance-Manufacture or Deliver, or Possess with Intent to Manufacture or Deliver)	Michael Oths
8/26/2014	BNDS	TCROBIMD	Bond Posted - Surety (Amount 20000.00)	Michael Oths
8/27/2014	MFBR	TCOLSOMC	Motion For Bond Reduction	Michael Oths
	NOHG	TCOLSOMC	Notice Of Hearing	Michael Oths
	RQDD	TCOLSOMC	Defendant's Request for Discovery	Michael Oths
9/3/2014	PHRD	TCCHRIKE	Preliminary Hearing Response to Request for Discovery and Objections	Michael Oths
	RQDS	TCCHRIKE	State/City Request for Discovery	Michael Oths
9/8/2014	CONT	TCHOCA	Continued (Preliminary 09/25/2014 08:30 AM)	Michael Oths
	MMNH	TCHOCA	Magistrate Minutes & Notice of Hearing	Michael Oths
	PHRD	TCLANGAJ	Preliminary Hearing Response to Request for Discovery and Objections/First Supplemental	Michael Oths
9/16/2014	PHRD	TCCHRIKE	Preliminary Hearing Response to Request for Discovery and Objections / Second Supplemental	Michael Oths
	PHRD	TCLANGAJ	Preliminary Hearing Response to Request for Discovery and Objections/Third Supplemental	Michael Oths
9/25/2014	PHHD	TCHOCA	Hearing result for Preliminary scheduled on 09/25/2014 08:30 AM: Preliminary Hearing Held	Michael Oths
	CHGB	TCHOCA	Change Assigned Judge: Bind Over	Michael Oths
	HRSC	TCHOCA	Hearing Scheduled (Arraignment 10/14/2014 02:00 PM)	Michael Oths
	AMCO	TCHOCA	Amended Complaint Filed	Michael Oths
	COMT	TCHOCA	Commitment	Michael Oths
	MMNH	TCHOCA	Magistrate Minutes & Notice of Hearing	Michael Oths
9/29/2014	INFO	TCLANGAJ	Information	Richard D. Greenwood

State of Idaho vs. Douglas Earl Meyer

Date	Code	User	Judge
10/14/2014	DCHH	TCPATAKA	Hearing result for Arraignment scheduled on 10/14/2014 02:00 PM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages
	HRSC	TCPATAKA	Hearing Scheduled (Entry of Plea 10/28/2014 02:00 PM)
10/28/2014	DCHH	TCPATAKA	Hearing result for Entry of Plea scheduled on 10/28/2014 02:00 PM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages
	HRSC	TCPATAKA	Hearing Scheduled (Pretrial Conference 01/27/2015 01:30 PM)
	PLEA	TCPATAKA	A Plea is entered for charge: - NG (I37-2732(a)(1)(A) {F} Controlled Substance-Manufacture or Deliver, or Possess with Intent to Manufacture or Deliver)
	PLEA	TCPATAKA	A Plea is entered for charge: - NG (I37-2732(e) Controlled Substance-Possession of Marijuana in an Amount Greater Than 3 Ounces in Any Prepared Form)
	HRSC	TCPATAKA	Hearing Scheduled (Jury Trial 02/09/2015 09:00 AM) 3 days
10/29/2014	MOTN	TCOLSOMC	Motion for Preliminary Hearing Transcript
11/3/2014	PHRD	TCCHRIKE	Preliminary Hearing Response to Request for Discovery and Objections / Fourth Supplemental
11/5/2014	ORDR	TCPATAKA	Order for Preliminary Hearing Transcript
11/6/2014	NOTC	TCWRIGSA	Notice of Preparation of Preliminary Hearing Transcript
11/12/2014	ORDR	TCPATAKA	Scheduling Order
	TRAN	TCCHRIKE	Transcript Filed
12/29/2014	RSDS	TCOLSOMC	State/City Response to Discovery
12/30/2014	RSDS	TCOLSOMC	State/City Response to Discovery / Addendum
1/6/2015	MOTN	TCCHRIKE	Motion to File Information Part 2
1/7/2015	NOHG	TCCHRIKE	Notice Of Hearing(01/27/15@1:30PM)
1/27/2015	RSDD	TCLANGAJ	Defendant's Response to Discovery to Court
	RSDD	TCLANGAJ	Defendant's Response to Discovery
	JUID	TCLANGAJ	Motion for Jury Instructions
	DCHH	TCPATAKA	Hearing result for Pretrial Conference scheduled on 01/27/2015 01:30 PM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages

000003

State of Idaho vs. Douglas Earl Meyer

Date	Code	User	Judge
1/27/2015	HRSC	TCPATAKA	Hearing Scheduled (Motion in Limine 02/06/2015 09:00 AM)
1/28/2015	ORDR	TCPATAKA	Order to File Information Part II
	INFP2	TCPATAKA	Information Part 2
	WITN	TCPATAKA	State's Witness List
2/4/2015	OBJE	TCOLSOMC	Objection to Defendant's Motion in Limine or Anticipated Request for Necessity ICJI 1512
	MOTN	TCLANGAJ	Motion to Seal
			Document sealed
2/5/2015	RSDS	TCLANGAJ	State/City Response to Discovery/Second Addendum
2/6/2015	DCHH	TCPATAKA	Hearing result for Motion in Limine scheduled on 02/06/2015 09:00 AM: District Court Hearing Held Court Reporter: Tiffany Fisher Number of Transcript Pages for this hearing estimated: less than 50 pages
	PLEA	TCPATAKA	A Plea is entered for charge: - GT (I37-2732(e) Controlled Substance-Possession of Marijuana in an Amount Greater Than 3 Ounces in Any Prepared Form)
2/9/2015	HRVC	TCPATAKA	Hearing result for Jury Trial scheduled on 02/09/2015 09:00 AM: Hearing Vacated 3 days
	HRSC	TCPATAKA	Hearing Scheduled (Sentencing 03/31/2015 09:00 AM)
	GPA	TCPATAKA	Guilty Plea Advisory
	STIP	TCPATAKA	Stipulation to Enter Conditional Guilty Plea
	PSIO1	TCPATAKA	Pre-Sentence Investigation Evaluation Ordered
3/23/2015	MOTN	TCWRIGSA	Motion to Withdraw Guilty Plea
3/26/2015	MOTN	TCWRIGSA	Motion for Preparation of Transcript
3/31/2015	DCHH	TCPATAKA	Hearing result for Sentencing scheduled on 03/31/2015 09:00 AM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages
4/17/2015	BREF	TCWRIGSA	Defendant's Brief in Support of Motion to Withdraw Guilty Plea
4/29/2015	OBJE	TCWRIGSA	States's Objection to Defendant's Motion to Withdraw Guilty Plea
5/1/2015	HRSC	TCPATAKA	Hearing Scheduled (Motion 05/19/2015 03:30 PM) to withdraw guilty plea
	NOTH	TCPATAKA	Notice Of Hearing

State of Idaho vs. Douglas Earl Meyer

Date	Code	User	Judge
5/19/2015	DCHH	TCPATAKA	Hearing result for Motion scheduled on 05/19/2015 03:30 PM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages
	HRSC	TCPATAKA	Hearing Scheduled (Sentencing 05/27/2015 09:00 AM)
5/27/2015	DCHH	TCPATAKA	Hearing result for Sentencing scheduled on 05/27/2015 09:00 AM: District Court Hearing Held Court Reporter: Fran Casey Number of Transcript Pages for this hearing estimated: less than 50 pages
	DISM	TCPATAKA	Dismissed on Motion of the Prosecutor (I37-2732(a)(1)(A) {F} Controlled Substance-Manufacture or Deliver, or Possess with Intent to Manufacture or Deliver)
	FIGT	TCPATAKA	Finding of Guilty (I37-2732(e) Controlled Substance-Possession of Marijuana in an Amount Greater Than 3 Ounces in Any Prepared Form)
	JAIL	TCPATAKA	Sentenced to Jail or Detention (I37-2732(e) Controlled Substance-Possession of Marijuana in an Amount Greater Than 3 Ounces in Any Prepared Form) Confinement terms: Credited time: 2 days. Penitentiary determinate: 6 months. Penitentiary indeterminate: 2 years 6 months.
	DISM	TCPATAKA	Dismissed on Motion of the Prosecutor (I19-2514 Enhancement-Persistent Violator)
	STAT	TCPATAKA	STATUS CHANGED: closed pending clerk action
	SNPF	TCPATAKA	Sentenced To Pay Fine 285.50 charge: I37-2732(e) Controlled Substance-Possession of Marijuana in an Amount Greater Than 3 Ounces in Any Prepared Form
	ORDR	TCPATAKA	Order for Restitution and Judgment
	RESR	TCPATAKA	Restitution Recommended by the Prosecutor's office. 39.00 victim # 1
	RESR	TCPATAKA	Restitution Recommended by the Prosecutor's office. 296.96 victim # 2
	RESR	TCPATAKA	Restitution Recommended by the Prosecutor's office. 400.00 victim # 3
	RESR	TCPATAKA	Restitution Recommended by the Prosecutor's office. 1838.50 victim # 4
	BNDE	DCRUDZES	Surety Bond Exonerated (Amount 20,000.00)
5/28/2015	JCOC	DCRUDZES	Judgment Of Conviction & Commitment
6/16/2015	NOTA	TCKEENMM	NOTICE OF APPEAL
	APSC	TCKEENMM	Appealed To The Supreme Court

State of Idaho vs. Douglas Earl Meyer

Date	Code	User	Judge
6/16/2015	MORE	TCMARKSA	Motion For Reconsideration of sentence and for leave Richard D. Greenwood
6/18/2015	OPPO	TCMARKSA	Opposition to Defendant's Motion for Reduction of Sentence Richard D. Greenwood
6/30/2015	ORDR	TCPATAKA	Order Appointing State Appellate Public Defender on Direct Appeal Richard D. Greenwood
7/14/2015	ORDR	TCPATAKA	Order Denying Rule 35 Motion Richard D. Greenwood
8/19/2015	NOTC	TCWEGEKE	Notice of Transcript of 29 Pages Lodged - Supreme Court No. 43332 Richard D. Greenwood
8/20/2015	NOTC	TCWEGEKE	Notice of Transcript Lodged - Supreme court No. 43332 Richard D. Greenwood

DR # 14-418069

AUG 25 2014

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Kari L. Higbee
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

COMPLAINT

Meyer's DOB
Meyer's SSN:

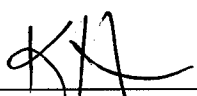
PERSONALLY APPEARED Before me this 25th day of August 2014, Kari L. Higbee, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did commit the crime of POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) as follows:

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance with the intent to deliver the aforementioned controlled substance.

PC
8.25.14
JH

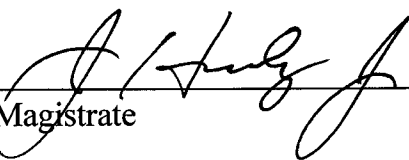
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Kari L. Higbee
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 25 day of August 2014.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO.

FE-14-12367

VS

CLERK

C. Ho

Douglas E. Meyer

DATE

8 / 25 / 2014 TIME 10:45

PROSECUTOR KARI HIGBEE DOUG VARIE

CASE ID HAWLEY

BEG.

110135

KASSANDRA SLAVEN

COURTROOM 204

END

110317

COMPLAINING WITNESS

INTOX

JUDGE

STATUS

- ☐ BEREZ
- ☐ BIETER
- ☐ CAWTHON
- ☐ COMSTOCK
- ☐ ELLIS
- ☐ FORTIER
- ☐ GARDUNIA
- ☐ HARRIGFELD
- ☒ HAWLEY
- ☐ HICKS
- ☐ KIBODEAUX
- ☐ _____
- ☐ _____

- ☐ MacGREGOR-IRBY
- ☐ MANWEILER
- ☐ McDANIEL
- ☐ MINDER
- ☐ OTHS
- ☐ REARDON
- ☐ SCHMIDT
- ☐ STECKEL
- ☐ SWAIN
- ☐ WATKINS

☒ STATE SWORN

☒ PC FOUND

☒ COMPLAINT SIGNED

☐ AMENDED COMPLAINT SIGNED

☐ AFFIDAVIT SIGNED

☐ JUDICIAL NOTICE TAKEN

☐ NO PC FOUND

☐ EXONERATE BOND

☐ SUMMONS TO BE ISSUED

☐ WARRANT ISSUED

☐ BOND SET \$

☐ NO CONTACT

DR#

☐ MOTION TO REVOKE OR INCREASE

BOND FOR NON-COMPLIANCE W/PT
RELEASE CONDITIONS

☐ SET HEARING AT AR DATE ON

MOTION TO REVOKE OR INCREASE BOND

☐ DISMISS CASE

☒ IN CUSTODY

COMMENTS

☐ AGENTS WARRANT JUDGE

PV AR set

☐ RULE 5(B) COUNTY

BOND \$

☐ FUGITIVE (STATE)

☐ MOTION & ORDER TO CONSOLIDATE

ADA COUNTY MAGISTRATE MINUTES

Douglas Earl Meyer

CR-FE-2014-0012367

DOB: [REDACTED]

Scheduled Event: **Video Arraignment** Monday, August 25, 2014 01:30 PM

Judge: **Cawthon / Irby**

Clerk: Ke

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: C. Mcclurdy

PD Attorney: L. Estess

• 1 137-2732(a)(1)(A) F Controlled Substance-Manufacture or Deliver, or Possess with Intent to Manufacture or Deliver F

23946 Case Called Defendant: X Present X Not Present X In Custody
X Advised of Rights _____ Waived Rights X PD Appointed _____ Waived Attorney
_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty
X Bond \$ 20,000.00 _____ ROR _____ Pay / Stay _____ Payment Agreement
_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order

23757- Recall case

24044- Pass case

PH: 9/8/14 @ 830am w/ OTHS

Bond Argument

PD App'd

Finish () Release Defendant

AUG 26 2014

CHRISTOPHER D. RICH, Clerk
By MANDI WIENSZ
DEPUTYIN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISIONSTATE OF IDAHO,
Plaintiff.

vs.

Douglas Earl Meyer
223384 E. Main St.
Kennewick, WA 99337

Defendant.

Case No: CR-FE-2014-0012367

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING☒ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary Monday, September 08, 2014 08:30 AM
Judge: Michael OthsBOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE PERSONALLY PRESENT AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.

I hereby certify that copies of this Notice were served as follows on this date of Monday, August 25, 2014.

Defendant: Mailed _____ Hand Delivered ☒ Signature Mandi Wiensz
Clerk / date _____ / _____ Phone () 8-2574Prosecutor: Interdepartmental Mail ☒ Clerk / date MW 8/26Public Defender: Interdepartmental Mail ☒ Clerk / date MW 8/26Mandi Wiensz
Deputy ClerkCite Pay Website: <https://www.citepayusa.com/payments>
Supreme Court Repository: <https://www.idcourts.us>

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

THE STATE OF IDAHO,
Plaintiff,
VS.
MEYER DOUGLAS EARL
Defendant

NO. 2 FILED PM
NOTICE OF COURT DATE
AND
BOND RECEIPT **AUG 26 2014**

CHRISTOPHER D. RICH, Clerk
By MARSHA ROBINSON
DEPUTY

YOU ARE HEREBY NOTIFIED that you must appear in Court
on 08 September 2014 at 08:30AM hrs, at the:

✓
Ada County Courthouse
200 West Front Street
Boise, 83702

If you have been arrested for a Citation, This Notice of Court Date Supersedes any other Court Date for this case. If you have been given a date by the court you must keep those appearances, failing to do so will cause a warrant for arrest and forfeiture of bond.

You are further notified that if you fail to appear as specified herein, your bond
will be forfeited and a Warrant of Arrest will be issued against you.

If you are on supervised probation, you must notify your probation officer of your arrest within 24 hours
or one business day.

BOND RECEIPT No: 1205940

Charge: 37-2732-A1 {F} CONTROLLED SUBSTANCE-DELIVERY
Bond Amount: \$ 20,000.00
Case # CRFE20140012367
Bond # AC25-7513148
Bond Type: Surety
Warrant #:
Agency: Aladdin/Anytime
Insurance: American Contractor's Indemnity Company
Bondsman: JOHNSON AARON
Address: 80 N COLE RD
Boise, ID 83704

~
This is to certify that I have received a copy of this NOTICE TO APPEAR.
I understand that I am being released on the conditions of posting bail and
my promise to appear in the court at the time, date, and place described in this notice.

DATED: 8/25/2014

Douglas Meyer
DEFENDANT

216
PH
9/8
8.30

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1040
A.M. FILED P.M.

AUG 27 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

MOTION FOR BOND REDUCTION

COMES NOW, DOUGLAS EARL MEYER, the above-named defendant, by and through counsel HEIDI K KOONCE, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Tuesday, August 26, 2014.


HEIDI K KOONCE
Attorney for Defendant

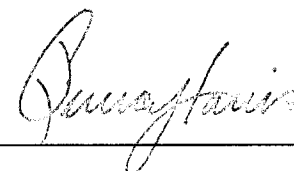
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, August 26, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MO
MOTION FOR BOND REDUCTION



000013

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1040
A.M. FILED P.M.

AUG 27 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DOUGLAS EARL MEYER,

Defendant.

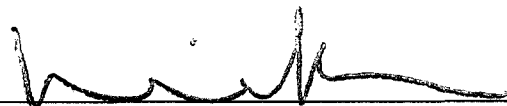
Case No. CR-FE-2014-0012367

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Monday, September 08, 2014, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Tuesday, August 26, 2014.


HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, August 26, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

mo
NOTICE OF HEARING


000014

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1040
A.M. FILED P.M.

AUG 27 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:


PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Tuesday, August 26, 2014.



HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I **HEREBY CERTIFY**, that on Tuesday, August 26, 2014, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



216
P14
9/8
8:55

NO. _____
A.M. _____ FILED P.M. _____

SEP - 3 2014

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Mackay Hanks
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

**PRELIMINARY HEARING
RESPONSE TO REQUEST FOR
DISCOVERY AND OBJECTIONS**

COMES NOW, R. Mackay Hanks, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

**PRELIMINARY HEARING RESPONSE TO REQUEST FOR DISCOVERY AND
OBJECTIONS (MEYER), Page 1**

000017

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 1 through 32. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

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B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

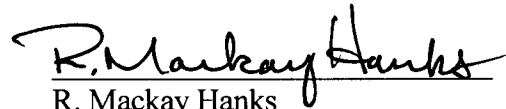
A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 3 day of September 2014.

GREG H. BOWER
Ada County Prosecuting Attorney


R. Mackay Hanks
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of September 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



SEP - 3 2014

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

R. Mackay Hanks

Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

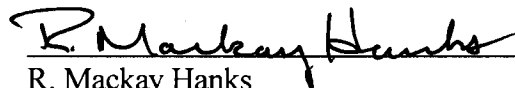
The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 3 day of September 2014.

GREG H. BOWER

Ada County Prosecuting Attorney



R. Mackay Hanks

Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of September 2014, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
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- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

*Vickerson

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 9/8/14 AT 9:19A M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY CH Deputy

STATE OF IDAHO,

Plaintiff,

vs
Douglas E. Meyer
Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number: FE-14-12367

Case Called: OTHS 9/7/21
M. Hanks F. Alidjani

☒ Ada ☐ Special ☒ Private H. Koonce

Defendant: ☐ Present ☒ Not Present ☐ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☒ Bond \$ 20,000 ☐ Pre-Trial Release Order ☒ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☒ State / Defense / Mutual Request for Continuance No Labs

☒ State / Defense Objection / No Objection to Continuance

☒ Case continued to 9-25-14 at 8:30 am/pm for PH

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge _____ on _____ at _____ am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel

Signature _____ for D

Defense Atty: ☐ Hand Delivered ☐ Intdept Mail

Prosecutor: ☒ Hand Delivered ☐ Intdept Mail

By: CH
Deputy Clerk

DATED 9/8/14

216
9/25
830

NO. 10 FILED
A.M. _____ P.M. _____

SEP 08 2014

CHRISTOPHER D. RICH, Clerk
By KATHINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Mackay Hanks
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-2014-0012367
Plaintiff,)	
vs.	)	FIRST SUPPLEMENTAL
	)	PRELIMINARY HEARING
DOUGLAS EARL MEYER,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, R. Mackay Hanks, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

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file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 33 through 34. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

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B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

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II. OBJECTIONS

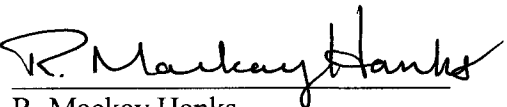
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B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

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- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 5 day of September 2014.

GREG H. BOWER
Ada County Prosecuting Attorney



R. Mackay Hanks
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5 day of September 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

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SEP 16 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
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THE STATE OF IDAHO,)	
)	Case No. CR-FE-2014-0012367
Plaintiff,)	
vs.)	SECOND SUPPLEMENTAL
	)	PRELIMINARY HEARING
DOUGLAS EARL MEYER,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

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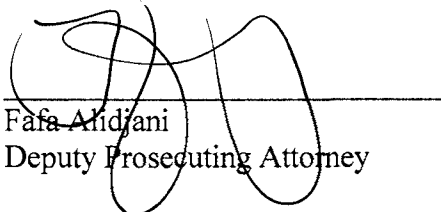
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RESPECTFULLY SUBMITTED this 15 day of September, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney

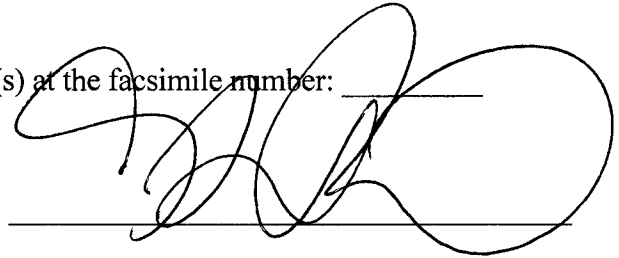

Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 16th day of September, 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

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SEP 16 2014

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
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vs.)	THIRD SUPPLEMENTAL
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DOUGLAS EARL MEYER,)	RESPONSE TO REQUEST FOR
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[Handwritten mark]

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 40 through 41. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

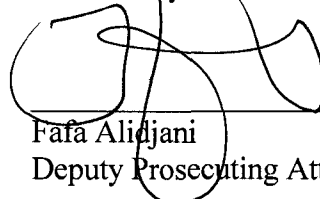
A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 16 day of September, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney



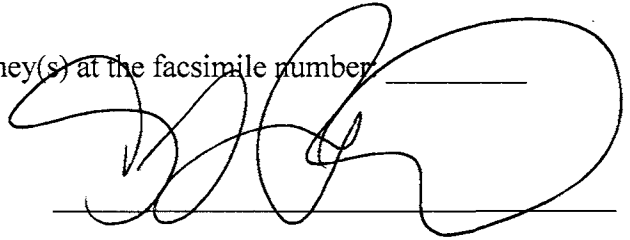
Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 10th day of September, 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number _____

A large, stylized handwritten signature in black ink, written over a horizontal line.

Time	Speaker	Note
<u>1:47:34 PM</u>		
<u>1:47:40 PM</u>	Case Called	Meyer Douglas Earl CR-FE-2014-0012367 on bond for Prelim HR
<u>1:47:43 PM</u>	States Attorney	Fafa Alidjani
<u>1:47:44 PM</u>	Defense Attorney	Heidi Koonce
<u>1:47:46 PM</u>	States Attorney	Motion to file amended complaint
<u>1:47:57 PM</u>	Defense Attorney	No Objection/Waives Reading
<u>1:48:05 PM</u>	Judge	Accepts and Files the Amended Complaint
<u>1:48:30 PM</u>	Defense Attorney	Motion to exclude witnesses
<u>1:48:32 PM</u>	Judge	So Orders Witnesses excluded
<u>1:48:57 PM</u>	States Attorney	Calls SW #1 Officer David Saidon /Sworn
<u>1:49:37 PM</u>	States Attorney	DX SW #1
<u>1:55:35 PM</u>	Defense Attorney	CX SW #1
<u>1:57:05 PM</u>	Judge	Nothing further witness steps down/Excused
<u>1:57:27 PM</u>	States Attorney	Calls SW #2 Officer Matt Walker/Sworn
<u>1:58:22 PM</u>	States Attorney	DX SW #2
<u>2:07:23 PM</u>	Defense Attorney	CX SW #2
<u>2:09:29 PM</u>	Judge	Nothing further witness steps down/Excused
<u>2:09:48 PM</u>	States Attorney	Moves to Admit SE #1
<u>2:10:10 PM</u>	Defense Attorney	No Objection
<u>2:10:14 PM</u>	Judge	So orders SE #1 Admitted
<u>2:10:23 PM</u>	States Attorney	Rest
<u>2:10:25 PM</u>	Defense Attorney	Rest
<u>2:10:29 PM</u>	States Attorney	Submit closing argument on evidence presented/reserve rebuttal
<u>2:10:36 PM</u>	Judge	Question
<u>2:11:03 PM</u>	States Attorney	Response
<u>2:12:32 PM</u>	Defense Attorney	Closing
<u>2:14:52 PM</u>	Judge	CT Finds
<u>2:16:14 PM</u>	States Attorney	Question
<u>2:16:32 PM</u>	Judge	CT finds State has proved there is enough evidence to provide probable cause to bind case over to District Court with Judge Greenwood on 10/14/14 @ 2:00 pm for AR and further proceedings
<u>2:21:30 PM</u>	States Attorney	Signs for Exhibit
<u>2:22:00 PM</u>	Judge	

<u>2:22:02 PM</u>		End of Case
<u>2:22:02 PM</u>		

SEP 25 2014

CHRISTOPHER D. RICH, Clerk
By CINDY HO
DEPUTY

DR # 14-418069

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

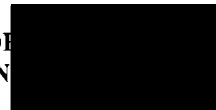
DOUGLAS EARL MEYER,)

Defendant.)
_____)

Case No. CR-FE-2014-0012367

AMENDED COMPLAINT

Meyer's DOI
Meyer's SSN



PERSONALLY APPEARED Before me this 25 day of September, 2014, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did commit the crime of POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) or in the alternative, POSSESSION OF MARIJUANA IN EXCESS OF THREE OUNCES, FELONY, I.C. §37-2732(e), as follows:

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That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance with the intent to deliver the aforementioned controlled substance.

OR IN THE ALTERNATIVE

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Scheduled I non-narcotic controlled substance, in an amount in excess of three (3) ounces.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Fafa Alidjani
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 25 day of September, 2014.



Magistrate

SEP 25 2014

CHRISTOPHER D. RICH, Clerk
By CINDY HO
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Mackay Hanks
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012367
)	
vs.	)	COMMITMENT
)	
DOUGLAS EARL MEYER,)	
	)	Defendant's DOB [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

THE ABOVE NAMED DEFENDANT, DOUGLAS EARL MEYER, having been brought before this Court for a Preliminary Examination on the 25th day of Sept, 2014, on a charge that the Defendant on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did commit the crime of: POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-

2732(a) or in the alternative, POSSESSION OF MARIJUANA IN EXCESS OF THREE OUNCES, FELONY, I.C. §37-2732(e), as follows:

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance with the intent to deliver the aforementioned controlled substance.

OR IN THE ALTERNATIVE

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Scheduled I non-narcotic controlled substance, in an amount in excess of three (3) ounces.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 20,000⁰⁰.

DATED this 25 day of Sept, 2014.



MAGISTRATE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 9/25/14 AT 2:20 PM
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY [Signature] Deputy

STATE OF IDAHO,

Plaintiff,

vs. Douglas E. Meyer
Defendant

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number: FE-14-12367
Case Called: Smyser for Oth 14740
☒ Ada ☐ Special F. Alidjan
☒ PD / Private H. Koonce

Defendant: ☒ Present ☐ Not Present ☐ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☒ Bond \$ 20,000 ☐ Pre-Trial Release Order ☐ Motion for Bond Reduction Denied / Granted

☒ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☒ Reading of Complaint Waived

☐ State / Defense / Mutual Request for Continuance

☐ State / Defense Objection / No Objection to Continuance

☐ Case continued to _____ at _____ am/pm for _____

☐ Defendant Waives Preliminary Hearing ☒ Hearing Held ☐ Commitment Signed

☒ Case Bound Over to Judge Greenwood on 10-14-14 at 2:00 am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

I hereby certify that copies of this notice were served as follows:

Defendant: ☒ Hand Delivered ☐ Via Counsel

Signature: Douglas Meyer

Defense Atty: ☐ Hand Delivered ☐ Intdept Mail

Prosecutor: ☒ Hand Delivered ☐ Intdept Mail

By: [Signature]
Deputy Clerk

DATED 9/25/14

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NO. _____ FILED _____
A.M. _____ P.M. _____

SEP 29 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

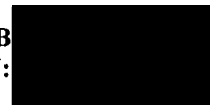
DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

I N F O R M A T I O N

Defendant's DOB
Defendant's SSN:



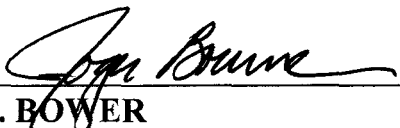
GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that DOUGLAS EARL MEYER is accused by this Information of the crime of: POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) or in the alternative, POSSESSION OF MARIJUANA IN EXCESS OF THREE OUNCES, FELONY, I.C. §37-2732(e), which crime was committed as follows:

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I non-narcotic controlled substance with the intent to deliver the aforementioned controlled substance.

OR IN THE ALTERNATIVE

That the Defendant, DOUGLAS EARL MEYER, on or about the 24th day of August, 2014, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Scheduled I non-narcotic controlled substance, in an amount in excess of three (3) ounces.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.


for **GREG H. BOWER**
Ada County Prosecuting Attorney

Ada County Mugshot - Prosecutor's Office



User: PRKNUTRS



Photo Taken: 2014-08-24 16:30:34

Name: MEYER, DOUGLAS EARL

Case #: CR-FE-2014-0012367

LE Number: 1058773

DOB

Height: 507

SSN

Weight: 180

Drivers License Number:

Drivers License State:

Sex: M Race: W Eye Color: BLU Hair Color: SDY Facial Hair:

Marks:

Scars:

Tattoos:

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Time	Speaker	Note
<u>2:11:34 PM</u>		Arraignments.
<u>2:12:03 PM</u>		CRFE14.13244 State v. Kelli Burnett
<u>2:12:07 PM</u>		CRFE14.08694 State v. Trena Franek
<u>2:12:13 PM</u>		CRFE14.13245 State v. Louis Jenson
<u>2:12:18 PM</u>		CRFE14.12367 State v. Douglas Meyer
<u>2:12:24 PM</u>		CRFE14.12766 State v. Steven Pipkin
<u>2:12:26 PM</u>		CRFE14.13246 State v. Bradley Shafer
<u>2:13:16 PM</u>	All present.	
<u>2:13:29 PM</u>	Court	Arriagnment rights.
<u>2:17:53 PM</u>	End.	
<u>2:17:53 PM</u>		
<u>2:17:53 PM</u>		
<u>2:27:39 PM</u>		CRFE14.12367 State v. Douglas Meyer
<u>2:27:40 PM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Christopher Booker.
<u>2:28:16 PM</u>	Defendant	True name spelled correctly. Waives formal reading.
<u>2:28:29 PM</u>	Court	Advises the deft of the charges and th possible penalties.
<u>2:29:56 PM</u>	Defendant	Understands his rights and the possible penalties.
<u>2:30:20 PM</u>	Public Defender	Requests set over.
<u>2:30:30 PM</u>	Court	EOP - October 28, 2014 at 2:00 pm.
<u>2:30:38 PM</u>	Court	Addresses the deft - staying in contact with his atty.
<u>2:30:51 PM</u>	End.	
<u>2:30:51 PM</u>		
<u>2:30:51 PM</u>		

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>4:29:08 PM</u>		CRFE14.12367 State v. Douglas Meyer
<u>4:29:13 PM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Joshua Haws.
<u>4:29:28 PM</u>	Public Defender	Not guilt plea.
<u>4:29:33 PM</u>	State Attorney	3 days.
<u>4:30:07 PM</u>	Court	JT February 9, 2015 at 9:00 am and PT January 27, 2015 at 1:30 pm.
<u>4:30:47 PM</u>	Court	Advises the deft to stay in contact with his atty.
<u>4:31:09 PM</u>	End.	
<u>4:31:09 PM</u>		
<u>4:31:09 PM</u>		

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NO. _____ FILED _____
A.M. _____ P.M. _____ 355

OCT 29 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

**MOTION FOR PRELIMINARY
HEARING TRANSCRIPT**

COMES NOW the defendant, DOUGLAS EARL MEYER, by and through his attorney, Ransom Bailey, Ada County Public Defender's Office, and moves this Court, pursuant to Idaho Criminal Rule 5.2(a), for an order providing typewritten transcripts of the preliminary hearing proceedings held on September 25, 2014, as they are essential and necessary for filing pretrial motions. The defendant, being indigent, also requests that the transcripts be prepared at the cost of Ada County, and as soon as possible.

DATED this 29th day of October 2014.




RANSOM BAILEY
Attorney for Defendant

MO

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29th day of October 2014, I mailed a true and correct copy of the foregoing to the **Ada County Transcript Coordinator** by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

107
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NOV 10 10:30 AM

NOV - 3 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Brent A. Ferguson

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702-5954

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

**FOURTH SUPPLEMENTAL
PRELIMINARY RESPONSE TO
REQUEST FOR DISCOVERY AND
OBJECTIONS**

COMES NOW, Brent A. Ferguson, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

**FOURTH SUPPLEMENTAL PRELIMINARY RESPONSE TO REQUEST FOR
DISCOVERY AND OBJECTIONS (MEYER), Page 1**

000055

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
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- e. As reflected in booking sheets

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 42 through 110. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or

the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

Be advised: As you are aware, the Ada County Jail video records inmate video conversations your client has with individuals other than your client's lawyer while incarcerated at the Ada County Jail. The visual or the images of the recorded calls are kept for only 30 days of the date of the conversation, although the audio portion of the video recordings are maintained indefinitely. Please contact the handling prosecuting attorney to make an appointment to view those video calls should you desire to do so before they drop off the system.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

- ☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☐ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

- ☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☐ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. **Police Reports:** The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS


A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.
- ☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.
- ☐ Other

RESPECTFULLY SUBMITTED this 31st day of October, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney

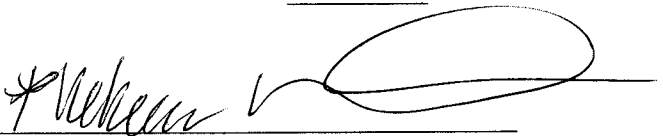

Brent A. Ferguson
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of October, 2014, I caused to be served, a true and correct copy of the foregoing Preliminary Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Ransom Bailey, 200 W Front Street, Room #1107 Boise, ID

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



RECEIVED
OCT 29 2014
ADA COUNTY CLERK

FILED 1249
A.M. P.M.
NOV 05 2014
CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

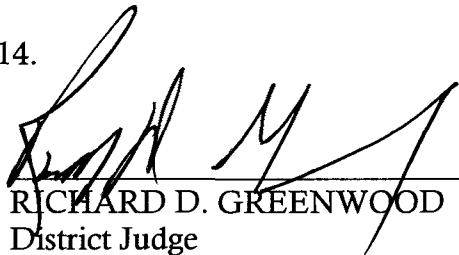
Case No. CR-FE-2014-0012367

ORDER FOR PRELIMINARY
HEARING TRANSCRIPT

Based upon the Defendant's Motion for Preliminary Hearing Transcript pursuant to Idaho Criminal Rule 5.2(a), this Court hereby orders that a typewritten transcript of the preliminary hearing held September 25, 2014, be prepared as soon as possible. The transcript shall be prepared at the cost of Ada County.

IT IS SO ORDERED.

DATED this 3 day of ^{November} ~~October~~ 2014.


RICHARD D. GREENWOOD
District Judge

 ORDER FOR PRELIMINARY HEARING TRANSCRIPT

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NO. _____ FILED _____
A.M. _____ P.M. 145

NOV 06 2014

CHRISTOPHER D. RICH, Clerk
By RAE ANN NIXON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CRFE-2014-0012367
)	
DOUGLAS E. MEYER,	)	NOTICE OF PREPARATION
	)	OF PRELIMINARY HEARING
Defendant,	)	TRANSCRIPT
_____)	

An Order for transcript was filed in the above-entitled matter on November 5, 2014, and a copy of said Order was received by the Transcription Department on November 6, 2014. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Preliminary Hearing
Date of Hearing: September 25, 2014 Judge: Howard Smyser
39 Pages x \$3.25 = \$126.75

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

Date: November 6, 2014

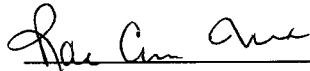
Rae Ann Nixon
Rae Ann Nixon
Transcript Coordinator

SW

CERTIFICATE OF MAILING

I certify that on November 6, 2014, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender
200 W. Front St. Ste. 1107
Boise ID 83702
RANSOM BAILEY



Rae Ann Nixon
Transcript Coordinator

NOV 12 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA By KATHY PATARO
CHRISTOPHER D. RICH, Clerk
DEPUTY

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

SCHEDULING ORDER

This matter came before the court on Tuesday, October 28, 2014 for entry of plea and with the defendant pleading not guilty the Court set this matter for Tuesday, January 27, 2015 at 01:30 PM for a Pretrial Conference and Monday, February 09, 2015 at 09:00 AM for a Jury Trial of the above named Defendant, DOUGLAS EARL MEYER. The attorneys present were:

For the State: Brent Ferguson

For the Defendant: Ransom J Bailey

The Defendant entered a plea of not guilty and requested a jury trial. The court instructed the clerk to enter the plea of not guilty into the court minutes.

Pursuant to I.C.R. 12 and I.C.R. 18 the court hereby orders that the attorneys and Defendant shall comply with the following scheduling order:

- 1) **JURY TRIAL DATE:** The 3 day jury trial of this action shall commence before this court on **February 9, 2015**, at 9:00 a.m.
- 2) Notice is hereby given, pursuant to I.C.R. 25(a)(6) that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. G. D. Carey
Hon. Dennis Goff
Hon. Renae Hoff
Hon. Daniel C. Hurlbutt, Jr.
Hon. James Judd
Hon. D. Duff McKee
Hon. James Morfitt

Justice Gerald Schroeder
Hon. Kathryn Sticklen
Hon. Linda Trout (mediations only, limited)
Hon. Darla Williamson
Hon. Ronald Wilper
Hon. William Woodland
All Sitting Fourth District Judges

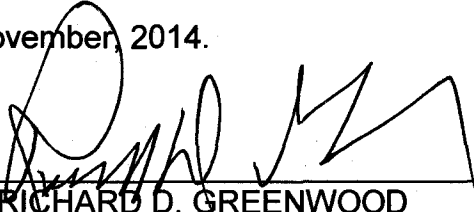
Unless a party has previously exercised their right to disqualification without cause under Rule 25(a)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judge.

- 3) **PRE-TRIAL CONFERENCE:** Counsel for the parties and the Defendant shall appear before this court on January 27, 2015, at 1:30 p.m. for the pre-trial conference. Counsel shall be prepared to discuss settlement possibilities pursuant to I.C.R. 18. Failure of the Defendant to appear at this pre-trial conference will result in a forfeiture of bail and a bench warrant shall be issued by the court.

Each party shall be required to serve on all other parties and file with the Court a complete list of exhibits and witnesses in accordance with I.R.C.P. 16(h). Exhibit and witness lists shall also be submitted to the Court via email at kpataro@adaweb.net.

- 4) **JURY INSTRUCTIONS:** The parties shall submit all proposed jury instructions to the court on or before the pre-trial conference. Requested instructions shall also be submitted to the Court via email at erudzinski@adaweb.net. It is sufficient for the parties to identify unmodified pattern instructions by number.
- 5) **SANCTIONS:** Failure to comply with this order will subject a party or its attorney to appropriate sanctions, including but not limited to, costs, and reasonable attorney fees and jury costs. A party may be excused from strict compliance with any provisions of this Order only upon showing good cause.
- 6) **CONTINUANCES:** The court will not grant continuances unless good cause exists and all the parties waive their right to speedy trial.

DATED this 27th day of November, 2014.



RICHARD D. GREENWOOD
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 12th day of November, 2014, I mailed (served) a


true and correct copy of the within instrument to:

ADA COUNTY PROSECUTING ATTORNEY
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By


Deputy Court Clerk

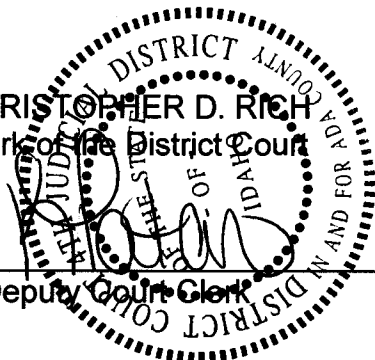


EXHIBIT LIST

Before the date set for the pretrial conference, the parties shall contact the clerk for assignment of exhibit numbers.

Richard D. Greenwood, DISTRICT JUDGE
Kathy Pataro, DEPUTY CLERK
Fran Casey, COURT REPORTER

CASE NO: **CR-FE-2014-0012367**

DATE(S): _____

STATE OF IDAHO

vs.

DOUGLAS EARL MEYER

NO	DESCRIPTION	DATE	ID	OFFD	OBJ	ADMIT
1						
2						
3						

Exhibit 1

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NO. _____ FILED _____
A.M. _____ P.M. _____
DEC 29 2014
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

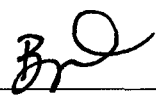
THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
DOUGLAS EARL MEYER,)
)
Defendant.)
)
_____)

Case No. CR-FE-2014-0012367
DISCOVERY
RESPONSE TO COURT

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and informs the Court that the State has complied with the Defendant's Request for Discovery.

RESPECTFULLY SUBMITTED this 29th day of December 2014.

GREG H. BOWER
Ada County Prosecuting Attorney



Barbara A. Duggan
Deputy Prosecuting Attorney

MO

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NO. _____
A.M. _____ P.M. 2

DEC 30 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
DOUGLAS EARL MEYER,)
)
Defendant.)
_____)


Case No. CR-FE-2014-0012367

**ADDENDUM TO DISCOVERY
RESPONSE TO COURT**

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney in and for Ada County,
State of Idaho, and informs the Court that the State has submitted an Addendum to Response to
Discovery.

RESPECTFULLY SUBMITTED this 30th day of December 2014.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: 
Barbara A. Duggan
Deputy Prosecuting Attorney

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1/12/15
1/20/15

NO. _____ FILED _____
A.M. _____ P.M. _____

JAN - 6 2015

CHRISTOPHER D. RICH, CLERK
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
DOUGLAS EARL MEYER,)
)
Defendant,)
_____)

Case No. CR-FE-2014-0012367

**MOTION TO FILE
INFORMATION
PART II**

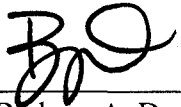
COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order extending time to file an Information, Part II, in the above-matter based on what the State believes is the defendant's prior record as set out below.

That the defendant was convicted of the crime(s) of: I. RAPE IN THE SECOND DEGREE, Felony, on or about the 11th day of January 1993, in the County of Grant, State of Washington, II. VIOLATION OF UNIFORM CONTROLLED SUBSTANCE ACT, RCW 69.50.401(d), Felony, on or about the 2nd day of March 1990, in the County of Grant, State of Washington, and III. CONSPIRACY TO DELIVER CONTROLLED SUBSTANCE-MARIJUANA, Felony, on or about the 4th day of April 1994, in the County of Spokane, State of Washington.

The State's information as to the defendant's prior record is based on a state or national records check.

5th
RESPECTFULLY SUBMITTED this _____ day of January, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Barbara A. Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 2015, I caused to be served, a true and correct copy of the foregoing Motion for Leave to File Information Part II upon the individual(s) named below in the manner noted:

Name and address: Ransom J. Bailey, Ada County Public Defender's Office

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



Legal Assistant

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1:20

FILED
P.M.

JAN - 7 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

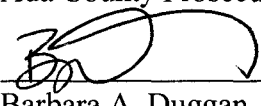
Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012367
)	
	)	NOTICE OF HEARING
vs.)	
)	
DOUGLAS EARL MEYER,)	
)	
Defendant.)	

TO: Ransom Bailey, his Attorney of Record, you will please take notice that on the 27th day of January, 2015, at the hour of 1:30 p.m. of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney Barbara A. Duggan will move this Honorable Court for an Order to File Information Part II in the above-entitled action.

DATED this 6th day of January, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing Notice of Hearing to **Ransom Bailey, 200 W. Front St. Ste. 1107 Boise, ID 83702**, via interdepartmental mail this 7th day of January, 2015.

Gita Hilbert

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ADA COUNTY PUBLIC DEFENDER
RANSOM J. BAILEY, ISB #6475
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

NO. _____
A.M. 11:15 FILED P.M. _____

JAN 27 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

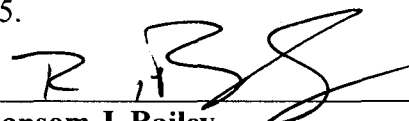
Defendant.

Criminal No. CR-FE-2014-12367

**DEFENDANT'S DISCOVERY
RESPONSE TO COURT**

COMES NOW, Douglas Early Meyer, the defendant above-named, by and through counsel, Ransom J. Bailey, Ada County Public Defender's Office, and informs the court that the defendant has served upon the State of Idaho **DEFENDANT'S RESPONSE TO REQUEST FOR DISCOVERY** on the above-filed date.

DATED, this 26th day of January, 2015.



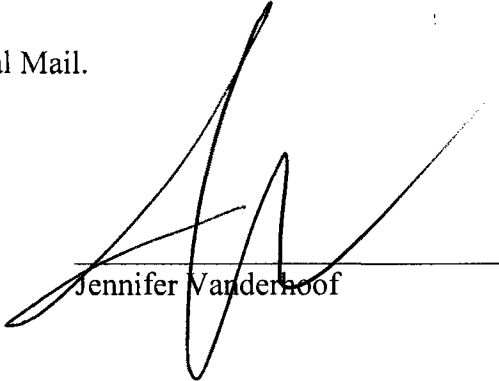
Ransom J. Bailey
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 26th day of January, 2015, I mailed a true and correct copy of the foregoing to the:

**Barbara A. Duggan
Ada County Prosecutor**

by depositing the same in the Interdepartmental Mail.



Jennifer Vanderhoof

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NO. 1115 FILED
A.M. 1115 P.M.

JAN 27 2015

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

ADA COUNTY PUBLIC DEFENDER
RANSOM J. BAILEY, ISB #6475
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
DOUGLAS E. MEYER,)
)
Defendant.)
_____)

Criminal No. CR-FE-2014-12367

DEFENDANT'S RESPONSE TO
REQUEST FOR DISCOVERY

COMES NOW, Douglas Earl Meyer, the defendant above-named, by and through counsel, Ransom J. Bailey, Ada County Public Defender's Office, and responds to the State's REQUEST FOR DISCOVERY herein.

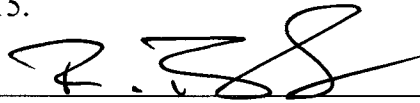
1) The defendant intends to call the following witness(es) at trial:

- Tammy Lee Rose
223304 East Main Street
Kennewick, WA 99337
- Stephen A. McLennon, MD
PO Box 1602
Hood River, OR 97031
541-400-4466

WHEREFORE, the defendant recognizes that said request is continuing in nature and will further respond should further evidence and/or witnesses come to his attention.

h

DATED, this 26th day of January, 2015.



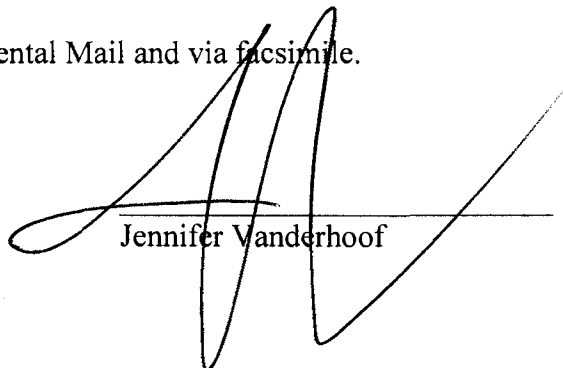
Ransom J. Bailey
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 26th day of January, 2015, I mailed a true and correct copy of the foregoing to the:

Barbara A. Duggan
Ada County Prosecutor

by depositing the same in the Interdepartmental Mail and via facsimile.



Jennifer Vanderhoof

107
PTC
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NO. 1115 FILED
A.M. _____ P.M. _____

JAN 27 2015

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

RANSOM J. BAILEY, ISB #6475
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,
Defendant.

Case No. CR-FE-2014-12367

MOTION FOR JURY INSTRUCTIONS

COMES NOW, Douglas Earl Meyer, Defendant above-named, by and through counsel of the Ada County Public Defender's office, Ransom J. Bailey, handing attorney, and hereby moves this Court to include ICJI 1512 (Necessity Defense) for each count of the Information as part of the jury instructions submitted to the jury panel sitting in the above-entitled matter.

DATED, Monday, January 26, 2015.




RANSOM J. BAILEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 3rd day of January 2015, I mailed (served) a true and correct copy of the within instrument to:

Barbara A. Duggan
Ada County Prosecutor's Office
Interdepartmental Mail



Jennifer J. Vanderhoof



ICJI 1512 NECESSITY DEFENSE

INSTRUCTION NO. _____

The defendant cannot be guilty [of (name of crime)] if the defendant acted because of necessity. Conduct which violates the law is justified by necessity if:

1. there is a specific threat of immediate harm to [the defendant] [name of person],
2. the defendant did not bring about the circumstances which created the threat of immediate harm,
3. the defendant could not have prevented the threatened harm by any less offensive alternative, and
4. the harm caused by violating the law was less than the threatened harm.

The state must prove beyond a reasonable doubt that the defendant did not act because of necessity. If you have a reasonable doubt on that issue, you must find the defendant not guilty.

Comment

State v. Hastings, 118 Idaho 854, 801 P.2d 563 (1990).

Time	Speaker	Note
<u>1:48:38 PM</u>		CRFE14.12367 State v. Douglas Meyer
<u>1:48:39 PM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Barbara Duggan.
<u>1:49:04 PM</u>	Court	Advises the deft regarding what was discussed in chambers.
<u>1:49:38 PM</u>	State Attorney	State's witness list provided to the Court and Information Part II.
<u>1:50:08 PM</u>	Public Defender	No comment.
<u>1:50:14 PM</u>	Court	Advises the deft regarding the Information Part II and the possible penalties.
<u>1:51:10 PM</u>	Defendant	Understands the Information Part II.
<u>1:52:18 PM</u>	Public Defender	Witness list was provided to the State. Deft requests additional time so that his new physician can possibly testify at case - necessity defense.
<u>1:53:26 PM</u>	Court	Addresses the deft regarding the necessity defense.
<u>1:54:11 PM</u>	Court	Addresses the parties regarding the request to continue.
<u>1:54:38 PM</u>	State Attorney	Not to be relevant. Ready to go to trial. If possible expert witness - motion in limine needs to be held.
<u>1:55:13 PM</u>	Public Defender	Response.
<u>1:56:57 PM</u>	Court	Motion in limine 02.06.15 at 9:00 am - necessity defense.
<u>1:57:26 PM</u>	State Attorney	Statement.
<u>1:59:10 PM</u>	Defendant	Not guilty to Information Part II.
<u>1:59:21 PM</u>	End.	
<u>1:59:21 PM</u>		
<u>1:59:21 PM</u>		

JAN 28 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

RECEIVED
JAN - 6 2015
Ada County Clerk

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
DOUGLAS EARL MEYER,)
)
Defendant,)
_____)

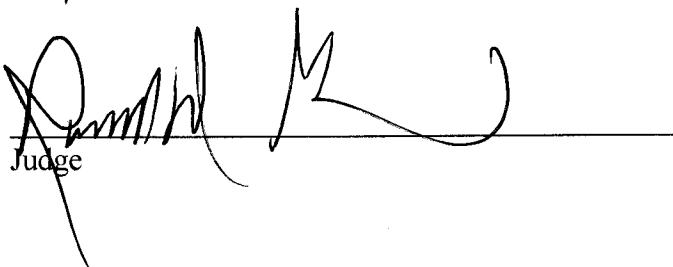
Case No. CR-FE-2014-0012367

ORDER TO FILE
INFORMATION
PART II

THE COURT HAVING HEARD the State's Motion and good appearing;

IT IS SO ORDERED that the Information, Part II be filed based upon the supporting documentation of the defendant's three (3) prior felony convictions.

DATED this 27 day of January, 2015.


Judge

FILED
A.M. 1052 P.M.

JAN 28 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012367
)	
vs.	)	INFORMATION
)	
DOUGLAS EARL MEYER,	)	PART II
)	
Defendant.	)	DOB [REDACTED]
	)	SSN [REDACTED]

JAN M. BENNETTS, Prosecuting Attorney in and for the County of Ada, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and given the Court to understand and to be further informed that, as PART II of the Information on file herein, the Defendant, DOUGLAS EARL MEYER, is a PERSISTENT VIOLATOR OF THE LAW, in that the Defendant has heretofore been convicted of the following felonies, to-wit: I. RAPE IN THE SECOND DEGREE, CASE NO. 93-9-00056-3, II. VIOLATION OF UNIFORM CONTROLLED SUBSTANCE ACT, RCW 69.50.401(d), FELONY, CASE NO. 90-9-00193-0, and III. CONSPIRACY TO DELIVER CONTROLLED SUBSTANCE-MARIJUANA, CASE NO. 93-1-00244-1.

I.

That the said Defendant, DOUGLAS EARL MEYER , on or about the 11th day of January 1993, was convicted of the crime of RAPE IN THE SECOND DEGREE, a FELONY, in the County of Grant, State of Washington, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Evan E. Sperline in case number 93-9-00056-3.

and/or

II.

That the said Defendant, DOUGLAS EARL MEYER , on or about the 2nd day of March 1990, was convicted of the crime of VIOLATION OF UNIFORM CONTROLLED SUBSTANCE ACT, RCW 69.50.401(d), a FELONY, in the County of Grant, State of Washington, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Evan E. Sperline in case number 90-9-00193-0.


and/or

III.

That the said Defendant, DOUGLAS EARL MEYER , on or about the 4th day of April 1994, was convicted of the crime of CONSPIRACY TO DELIVER CONTROLLED SUBSTANCE-MARIJUANA, a FELONY, in the County of Spokane, State of Washington, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Robert H. Whaley in case number 93-1-00244-1.

WHEREFORE, the said Defendant, having been convicted previously of two (2) or more felonies, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2514, upon conviction of the charge(s) contained in PART I of the Information.

DATED This ____ day of January, 2015.



JAN M. BENNETTS
Ada County Prosecuting Attorney

A.M. 1052 P.M. **FILED**

JAN 28 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

STATE'S WITNESS LIST

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and intends to call the following witnesses in its case in chief:

State's Witness List in its Case in Chief

1. Officer Matthew Walker, Boise Police Department
2. Officer David Saindon, Boise Police Department
3. Officer Jason Rose, Boise Police Department
4. Detective Kelly Montoya, Boise Police Department
5. Officer Kirk Rush, Boise Police Department
6. Sergeant Cole Farmer, Boise Police Department
7. Officer William Reimers, Boise Police Department
8. Becky Johnson, Washington Department of Corrections


9. Deputy Jill Hamilton, Ada County Sheriff's Office
10. Corinna Owsley, Criminalist, Idaho State Police
11. Kathryn Smith, Evidence Tech, Idaho State Police

All above witnesses were disclosed in the State's initial discovery response filed December 29, 2014.

WHEREFORE, the State hereby notifies the Court of the witnesses it will call in its case in chief.

RESPECTFULLY SUBMITTED this 27th day of January 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



By: Barbara A. Duggan
Deputy Prosecuting Attorney

designated under the Idaho Rules of Evidence and no proffer of admissible evidence has been provided. It is expected materials will be filed by Defendant but in light of the hearing on Friday and the Court's invitation for materials in advance of the hearing the State tenders this anticipatory objection.

Pertinent Facts

On August 24, 2014 BPD Motorcycle Officer Saindon conducted a traffic stop on Douglas Meyer on EB I-84 west of the Vista exit. Meyer was driving a 1991 GMC Pick-up 75 mph in a posted 65 mph zone. Mr. Meyer drove from Kennewick Washington to the State of Idaho with a quarter pound of marijuana that he intended for delivery at a family reunion. BPD Officer Matt Walker arrived on scene and smelled the strong odor of marijuana in Meyer's vehicle while Saindon issued a speeding ticket to Meyer. Meyer told Officer Walker that he grew the marijuana and that he was taking it down for his uncle because he (uncle) wanted to try the different kind of stuff (Meyer) had. (State's Exhibit 1 Walker DR#2014-418069). The marijuana was in a soft sided cooler in the Defendant's front passenger seat. Within the cooler, the marijuana was in an Ace Hardware bag that had different Zip-lock baggies with the name of the marijuana strain and the anticipated properties or affects it had on the user with some baggies having weights written on the packages as well. Meyer also had some marijuana and a pipe in his pocket and a small amount of marijuana in a glass jar in addition to the marijuana in the cooler. (See below the items recovered from Meyer's pocket and Meyer's vehicle as reflected in the police reports and/or property invoices. State's Exhibits 1-Walker DR#2014-418069 and Property Invoice and State's Exhibit 2-Detective Montoya DR#2014-418069 and Exhibit 5—Officer Saindon DR#2014-418069.) Relevant excerpts from Montoya's report include the following:

- 3) Zip lock baggie containing marijuana, a wooden pipe and 4 screens taken from Meyer's front left pants pocket***
- 4) A glass jar containing marijuana and ZigZag packet taken from a duffle bag in the vehicle***
- 5) 6 zip lock baggies with each containing marijuana taken from an "Ace" paper bag in the vehicle***
 - a. Baggie #1 marked with "Bubba Kush - 30g - Relaxing"***
 - b. Baggie #2 marked with "Jack Frost - 16g - Energetic"***
 - c. Baggie #3 marked with "Skywalker - 31g - Stress/Sleep"***
 - d. Baggie #4 marked with "White Russian - 15g - Sleep/Pain"***
 - e. Baggie #5 marked with "White Russian - 30g - Sleep/Pain"***

f. Baggie #6 marked with "Sour Diesel"

Defendant now says he had the necessity of smoking marijuana but he also said at the time he was questioned that he intended or planned to deliver the marijuana as well. The report of Detective Kelly Montoya additionally indicates in pertinent part, the following:

I then interviewed Meyer. Prior to interviewing him I provided him with a Miranda form, then verbally Mirandized him. At the conclusion Meyer signed the Miranda form, and agreed to talk with me. This interview was recorded. Meyer informed me that he was traveling from his home in Tri City to his father's residence in Jerome. Meyer stated that he was going to pick up his dad, and that they were then going to drive together to California for a family reunion. Meyer confirmed with me that the marijuana that was located was his, that he thought it was about a 1/4 pound, and that he was taking it with him to California so his relatives could try it out. Meyer also informed me that he grows his own marijuana with his medical card which he's had for 3 years. Meyer did state that not all of the marijuana was for his relatives, and that some of it was for his personal use. When I asked Meyer why there were separate markings in the zip lock baggies containing the marijuana he informed me it was so the people would know what "strain" it was, and it's effects. Meyer then defined "strain" as different types of plants. Meyer stated that he thought the baggies were broken down into ounces, 1/2 ounces, and 1/4 ounces. Meyer informed me that he doesn't sell the marijuana rather it's a "donation system". Meyer stated that if people give money for it that it is their choice. Meyer stated that the last time he actually sold marijuana was in 1985, and that the last time he "donated" marijuana was 4 to 6 weeks ago. When I asked Meyer about the reason he was stopped he stated that he thought he was going 71 mph, and when he bent down to get a water bottle he realized he was going to fast.

Please note that while the detective attempted to record the interview the DVD recorder apparently did not function properly as the DVD was blank when the State attempted to get a copy of the DVD in evidence.

Argument

There is no reasonable review of the facts that would require ICJI 1512. Defendant fails to make a prima facie case for the common law necessity defense instruction. The case of State v. Hastings 118 Idaho 854, 801 P.2d 563 (1990) indicates the Supreme Court for Idaho was, "[n]ot inclined to take this opportunity to create a special defense of medical necessity." And further explained the common law defense of necessity is recognized in Idaho. In State v. Hastings, the court further indicated, "The elements of the common law defense of necessity are:

1. A specific threat of immediate harm;
2. The circumstances which necessitate the illegal act must not have been brought about by the defendant;
3. The same objective could not have been accomplished by a less offensive alternative available to the actor;
4. The harm caused was not disproportionate to the harm avoided.”

ICJI 1512 Necessity Defense contains similar but not exact language. (See ICJI 1512 attached as Exhibit 6.)

Tracking the requirements in *Hasting's*, The State argues: [1.] Defendant has failed to indicate there is a specific threat of immediate harm to Defendant or anyone else. The evidence shows that Defendant lives in Kennewick Washington. Meyer said he grew the marijuana (MJ) himself. Meyer indicated he had it in the freezer and it was thawing in his vehicle when the officer mentioned the odor of MJ. He drove a pick-up into Idaho with the intention of hooking up to a trailer and taking his father to a family reunion in California. (See State's Exhibit 6—Audio of Officer Walker). Question: What is the specific threat of immediate harm to Defendant or another? Answer: None. Nobody's life is at risk if he misses the reunion or fails to drive to Idaho.

[2.] Defendant has failed to show the circumstances which necessitate the illegal act were not brought about by the Defendant. There is no intervening emergency. The fact that Meyer would rather smoke marijuana than take over the counter medication or a lawful prescription for a period of 6-8 hours does not provide necessity. Meyer chose to drive his vehicle, he chose to drive it to Idaho, he chose to bring a quarter pound of marijuana, he chose to go to attend a social event in California by way of driving to Idaho.

[3.] Defendant could have flown to California. Defendant could have taken a bus. If Defendant perceives he needs to smoke marijuana so badly, he could have driven in three states that recognize “medical marijuana” i.e., driving from Washington, to Oregon to California without ever entering Idaho. Defendant fails to show the same objective could not have been accomplished by a less offensive alternative available to Defendant. Meyer did not need to bring marijuana into Idaho with the intent to distribute or deliver it. Meyer did not need to bring a quarter pound of marijuana to Idaho. Kennewick Washington is approximately 400 miles from Jerome, Idaho on I-84. The trip likely takes six hours to

complete. Why would Meyer need a quarter pound of marijuana to complete the trip? While no proffer has been made, let's say for the sake of argument that Meyer says he has a medical marijuana card (a fact he likely has no ability to lay foundation for or prove) and that he needs to use marijuana for his painful medical condition to the exclusion of other treatment options and that there are no legal alternatives to treat the medical condition for a period of six to eight hours. Given the concerns of driving under the influence of THC, what medical doctor would specifically advise Meyer to take the trip, personally drive the vehicle and smoke the marijuana and drive after having smoked it? The medical necessity is not to have a quarter pound of marijuana in Idaho.

[4] The harm caused was not disproportionate to the harm avoided. Meyer could have stayed home in Washington. Nothing necessitated Meyer driving in Idaho with a quarter pound of weed. What harm was avoided by his actions? The answer is none.

Common Law Necessity typically indicates the choice of a lesser evil. This is not the Defendant choosing a lesser evil. This is the Defendant forcing his choice to smoke marijuana (MJ), get in a truck and drive it into the state of Idaho with a ¼ lb. of weed that he planned to deliver to his uncle, relatives or others. It's Meyer's choice to smoke MJ, not take a lawful prescription (Rx) under federal law, not take Ibuprofen or Acetaminophen while driving, it's Meyer's choice, not necessity, to force his lifestyle choice of smoking marijuana and bringing it to Idaho.

It is unclear what Defendant's specific argument is but at the very least it is likely internally inconsistent.

- 1.) Meyer lives in Kennewick, WA. Meyer drives to Idaho. Meyer is speeding 75/65. In August Meyer first tells officers he did not know it was illegal to bring a ¼ lb. of weed to Idaho. So his first excuse is ignorance of the law which is ICJI 1511. Now Meyer is coming up with a newer story. This story now is apparently that he had to bring marijuana to Idaho because he personally has a medical need due to an old back injury that will require the necessity instruction.
- 2.) Meyer has back pain and Meyer says he needs to smoke MJ to alleviate the pain. (That does not mean Meyer has to leave Washington where it is perhaps legal under their state law for him to use MJ, that does not mean Meyer has to come to Idaho, that does not mean Meyer has to drive in Idaho after presumably using MJ to sedate the pain to his back.

- 3.) Alternatively, there is no need to use marijuana at all rather, there is the desire to use it.
- 4.) Whatever the Meyer's perceived need to use, drive and go to a social event is, there can be no necessity for possession with intent to deliver marijuana so

As a Drug Court Jurist, this Court is exceptionally well-versed in the concerns involved in marijuana use. Of general interest to the court's review of the issues anticipated at hearing on February 6, 2014 include the following from The National Institute of Health (NIH)-National Institute on Drug Abuse (NIDA) website. Material available on-line indicates, "The term 'medical marijuana' is generally used to refer to the whole unprocessed marijuana plant or its crude extracts, which are not recognized or approved as medicine by the US Food and Drug Administration (FDA)." (See Exhibit 3—NIH/NIDA "Is Marijuana Medicine?") Additionally, "Marijuana also significantly reduces motor coordination and slows reaction time, which makes it very dangerous to use before driving a car" We can also see from the same source (NIH/NIDA), "Additionally, because it seriously impairs judgment and motor coordination, marijuana contributes to risk of injury or death while driving a car. A recent analysis of data from several studies found that marijuana use more than doubles a driver's risk of being in an accident. The combination of marijuana and alcohol is worse than either substance alone with respect to driving impairment." (Exhibit 4—NIH/NIDA.)

It is the State's belief this court will not find that a necessity instruction would be appropriate or supported by the evidence. "There is no entitlement to a jury instruction on the defense of necessity when no reasonable view of the evidence supports the elements of the instruction." See State v. Howley, 128 Idaho 874, 879, 920 P.2d 391, 396 (1996). The State would additionally request the court to review the cases of State v. Tadlock 136 Idaho 413, 34 P.3d 1096, Idaho Court of Appeals (2001), and State v. Beavers 152 Idaho 180, 268 P.3d 1, Idaho Court of Appeals (2010). In Tadlock we realize "[m]edical necessity could not be a viable justification for possession with intent to deliver because Tadlock's own medical need for marijuana could not justify her possession of the drug with the intent to deliver it to others."

Conclusion

The Defendant is entitled to present a defense to the jury, but nothing entitles the defendant to either jury nullification, obfuscation or a non-applicable ICJI. Nor is the Meyer entitled to re-write Idaho law. Marijuana is a Schedule I Controlled Substance

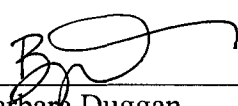
I. C. § 37-2405. We can see from I.C. §37-2404 that Substances in Schedule I have (a) high potential for abuse and (b) has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

For these reasons, the State requests that this Court deny defendant's Motion in Limine and/or request for ICJI 1512.

RESPECTFULLY SUBMITTED this 4th day of February, 2015.

JAN M. BENNETTS

Ada County Prosecuting Attorney


By: Barbara Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of February, 2015, I mailed a true and correct copy of the foregoing Objection to the following individual in the manner noted:

Ransom Bailey, Attorney at Law, Ada County Public Defender's Office
Via Interdepartmental Mail and email. (Note Exhibit 6 not provided in disk form attachment as it was previously provided electronically as Walker's third audio track.)


Leti Hebert, Legal Assistant

Boise Police Department
General Report

RD: 25

DR# 2014-418069

Incident

Date & Time Occurred: 08/24/2014 12:38 to 08/24/2014 12:38 Date & Time Reported: 08/24/2014 12:38 Location of Occurrence: 4115 S BROADWAY AVE, BOISE, ID 83705 Location: 18 - Parking Lot/Garage
ParcelNo: R1013670146

Charges

Chg# Offense/Charge Law Section Severity
1 CONTROLLED SUBSTANCE-DELIVERY 37-2732(a)(1)(A)-DEL Felony

Probable Cause

Ofc. Saindon made a traffic stop on Meyer for driving EB on I-84 just west of Vista at a speed of 75 mph in a posted 65mph zone. When Ofc. Saindon approached the vehicle to talk with Meyer during the initial contact he could smell the strong odor of marijuana. Meyer admitted he has about 1/4 pound of marijuana in the vehicle. I arrived on scene and Ofc. Saindon had Meyer exit the vehicle. I walked to the drivers door and from outside I could smell the strong odor of fresh marijuana in the vehicle. Meyer's told me he did have about 1/4 of marijuana in the vehicle that he had grown. Search of the vehicle revealed a large bag of green leafy substance in individually packaged zip lock bags. This substance later tested presumptive positive for marijuana.

SEE SUPPLEMENT

People Involved

Suspect MEYER, DOUGLAS EARL Race: W Sex: M DOB: [REDACTED] Age: 61
Address: 223304 E MAIN ST 5' 7" 180 lbs Hair Color: Brown Eye Color: Blue
KENNEWICK, WA 99337
Occupation: Res Phone: (509) 585-1156 SSN: - - Relationship:
Bus or School: Cell Phone: () - OLN/St: MEYERDE489 Injury Type: None
RK / WA
ID Bus Phone: () - How Ident.: Driver's License
Vehicle: #1 :1991 GMC 1500 Pickup PU BLU C45800A WA Left At: 4115 S BROADWAY
Offense/Charge Law Section Counts Severity
CONTROLLED SUBSTANCE-DELIVERY 37-2732(a)(1)(A)-DEL 1 Felony
☒ Arrest ☐ Cited ☒ Cuffs Checked ☒ Seat Belted Summons:

Victim

STATE OF IDAHO Race: U Sex: DOB: Age:
Address: ID - lbs Hair Color: Eye Color:
Occupation: Res Phone: () - SSN: - - Relationship:
Bus or School: Cell Phone: () - OLN/St: / ID Injury Type:
ID Bus Phone: () - How Ident.:

Officers

Ofc. Jason Rose (609) ☐ Audio ☐ Suppl. ☐ Pics Ofc. Dave Saindon (686) ☐ Audio ☐ Suppl. ☐ Pics
Ofc. Kelly Montoya (752) ☐ Audio ☐ Suppl. ☐ Pics

Admin

Officer(s) Reporting: Cpl. Matt Walker Ada No. 504 ☐ Phone Rpt. ☒ Audio Recording Related DR#s
Approved Supervisor: Lt. Brian Lee Ada No. 577 ☐ Counter Rpt. Approved Date: 08/25/2014 03:03
Assigned To: Ada No. Route To: County Prosecutor

Copies To:

CPFE 2014-12367

STATE'S
EXHIBIT
1

000004
000092

**Boise Police Department
Narrative Report**

RD: 25

DR# 2014-418069

1. Incident Topic CONTROLLED SUBSTANCE-DELIVERY		2. Subject/Victim's Name STATE OF IDAHO,	
3. Address 4115 S BROADWAY AVE , BOISE		4. Phone	
5. Date Occurred 08/24/2014	6. Time Occured 12:38	7. Route To County Prosecutor	8. Division PATROL

INITIAL RESPONSE/CONTACT: On 08-24-2014 at about 1238 Ofc. Saindon made a traffic stop in the parking lot of the TA Truck stop at 4115 S. Broadway. Ofc. Saindon made the traffic stop because a blue GMC pickup was driving eastbound on I-84 just west of Vista at a speed of 75 in a posted 65 mph zone. The driver and sole occupant, Meyer, told Ofc. Saindon he had a 1/4 pound of marijuana in the vehicle but he had a medical marijuana card. Ofc. Saindon called for an assist to take over the investigation.

I arrived on scene and Ofc. Saindon gave me the details of the stop. Ofc. Saindon also said he could smell the odor of marijuana when he was at the door speaking with Meyer.

INVOLVED PERSONS RELATIONSHIP(S): n/a

VICTIM INTERVIEW: n/a

SUSPECT INTERVIEW: Ofc. Saindon had Meyer step out of the vehicle to explain the speeding citation to him. Meyer stepped to the back of the vehicle and sat on the back bumper. I walked to the driver side of the vehicle and stood at the driver's door. The window was completely down. With my face about a foot away from the window opening I could smell the strong odor of fresh marijuana coming from the interior of the vehicle. I walked back to where Doug was sitting and confirmed his current address and telephone number. I then stated "So Ofc. Saindon tells me you told him there's a quarter pound of marijuana in the vehicle." Meyer stated "Yes, I grew it myself and I was taking it down to my Uncle cuz he wanted to try this different kind that I have."

Believing that a felony was occurring, felony possession of marijuana or possession with intent to deliver marijuana, and that Meyer was committing this felony I placed him under arrest. Search of Meyer's person incident to arrest I located a large amount of cash in his front left pants pocket. When I asked how much money he thought he had with him, he stated there was about \$3,500.00 and he had just received a settlement on a pension from union. I retrieved this cash. Also in the same pocket was a clear zip lock type bag that contained a wooden pipe and a green leafy substance. The bag also contained a sticky note with phone numbers and some other numbers on it. The green leafy substance later field tested positive for marijuana.

I then placed Meyer in the back seat of my patrol vehicle. Next, I searched Meyer's vehicle since it had a strong odor of marijuana coming from it. Inside the vehicle I located a brown bag with the Ace Hardware logo on the front of it. This bag was located in a soft sided cooler in the front passenger seat. Inside the Ace Hardware bag was six zip lock style clear plastic bags that contained a green leafy substance. This substance had the odor and appearance of marijuana. Each bag had a label in it with a name and weight.

Next, I located a small glass jar that contained a small amount of green leafy substance that had the odor and appearance of marijuana. This jar was located inside a black duffle bag that was on the front passenger side floorboards. Next to this jar was a package of ZigZag rolling papers.

Admin	
Officer(s) Reporting Cpl. Matt Walker	Ada No. 504
Approved Supervisor Lt. Brian Lee	Ada No. 577
Approved Date 08/25/2014 03:03	

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**Boise Police Department
Narrative Report**

RD: 25

DR# 2014-418069

1. Incident Topic CONTROLLED SUBSTANCE-DELIVERY		2. Subject/Victim's Name STATE OF IDAHO,	
3. Address 4115 S BROADWAY AVE , BOISE		4. Phone	
5. Date Occurred 08/24/2014	6. Time Occured 12:38	7. Route To County Prosecutor	8. Division PATROL

I seized all these items. I was advised that Det. Montoya would meet me at the CID interview rooms at City Hall West. I took the seized items and Meyer to the CID interview rooms. Meyer's vehicle was parked, locked and left in the TA Truck Stop parking lot per his request.

At the CID interview rooms I briefed Det. Montoya who then interviewed Meyer. After the interview Det. Montoya counted the money while observed and witnessed his count. There was \$142.00 from Meyer's wallet and \$2.605.00 from his left front pants pocket. Det. Montoya took possession of this cash.

I then transported Meyer to the Ada County Jail and booked him in on the charge of Possession with Intent to Deliver.

I then booked all of the other items into the Ada County Property room. I NIK tested the green leafy substance that had been in the baggie in Meyer's pocket. The substance tested presumptive positive for marijuana.

WITNESS INTERVIEW: n/a

INJURIES (VICTIM & SUSPECT): none

DISPOSITION OF PROPERTY/EVIDENCE/WEAPONS: All items were booked into property. See property invoices for details. The six baggies that were located in the Ace Hardware bag had total package weights of: 35 grams, 17.7 grams, 32.2 grams, 32 grams, 19.6 grams and 34.5 grams.

CONCLUSION:

Route to Det. Montoya for follow-up.

Route to Ada County Prosecutors.

Admin	
Officer(s) Reporting Cpl. Matt Walker	Ada No. 504
Approved Supervisor Lt. Brian Lee	Ada No. 577
Approved Date 08/25/2014 03:03	

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ADA COUNTY SHERIFF BOISE POLICE PROPERTY INVOICE

☐ INVOICE ONLY ☒ REPORT TO FOLLOW ☐ CITED/NO REPORT

RD 25	DR No. 418-069	PAGE OF 2
DATE 08-29-14		TIME 1238
Property Codes*	1 = Stolen 2 = Embezzled 3 = Seized 4 = Evidence	5 = Found 6 = Safekeeping 7 = Destruct Only 8 = Other

BOOKING OFFICER WALKER	ADA NO. 551	APPROVED BY [Signature]	OFFENSE 372732G(01A)	FELONY/MISD. FEL
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				PROPERTY USE ONLY	
ITEM NO.	DESCRIPTION	SERIAL NO.	DISPO.	BAR CODE	
1	DVD of interview of MEYER				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
2	ACC HANDLING BAG				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
3	Ziplock Baggie that did contain MT (Sealed in evidence)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
4	Ziplock Baggie that did contain MT (white rubber stamp)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
5	Ziplock Baggie that did contain MT (Burger King receipt)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
6	Ziplock Baggie that did contain MT (small diesel)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
7	Ziplock Baggie that did contain MT (Tack Hammer - Evidence)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
8	Ziplock Baggie that did contain MT (white rubber stamp)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
9	Ziplock Baggie that did contain MT (white rubber stamp)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			
10	Ziplock Baggie that did contain MT (white rubber stamp)				
*CODE 4	OWNER'S NAME	LOCATION SEIZED			

HOW PROPERTY OBTAINED/DETAILS OF INCIDENT

WAIVER: The property is not my own and I do not allege any claim upon the property as against the true owner nor do I allege any claim upon the property against the City of Boise nor County of Ada, Idaho.

SIGNATURE: [Signature]

PERSON PROPERTY OBTAINED FROM

ADDRESS

SIGNATURE:

PHONE NO.

Stored at:

☒ Property Room

☐ Other

☐ If Pawn Shop, attached pawn ticket copy to this form.

000014
000095

BPD024DP

ADA COUNTY SHERIFF BOISE POLICE PROPERTY INVOICE

☐ INVOICE ONLY ☒ REPORT TO FOLLOW ☐ CITED/NO REPORT

RD 25	DR No. 418-069	PAGE OF 2
DATE 08-24-14		TIME 1238
Property Codes*	1 = Stolen	5 = Found
	2 = Embezzled	6 = Safekeeping
	3 = Seized	7 = Destruct Only
	4 = Evidence	8 = Other

BOOKING OFFICER Walker	ADA NO. 501	APPROVED BY /s/	OFFENSE 37-2732(a)(1)(A)	FELONY/MISD. FEL
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				PROPERTY USE ONLY	
ITEM NO.	DESCRIPTION	SERIAL NO.	DISPO.	BAR CODE	
3-D	35 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	DANIELS M/14	2100 Lock Bldg (item #3)			
4-D	17.7 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #4)			
5-D	32.2 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #5)			
6-D	32 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #6)			
7-D	19.6 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #7)			
8-D	34.5 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #8)			
9-D	6.7 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	2100 Lock Bldg (item #9)			
10-D	6.3 GRAMS TFW GREEN LEAFY SUBSTANCE				
*CODE	OWNER'S NAME	LOCATION SEIZED			
4	SAME	GLASS JAR (item #10)			
ITEM NO.	DESCRIPTION	SERIAL NO.			
*CODE	OWNER'S NAME	LOCATION SEIZED			
ITEM NO.	DESCRIPTION	SERIAL NO.			
*CODE	OWNER'S NAME	LOCATION SEIZED			

HOW PROPERTY OBTAINED/DETAILS OF INCIDENT

WAIVER: The property is not my own and I do not allege any claim upon the property as against the true owner nor do I allege any claim upon the property against the City of Boise nor County of Ada, Idaho.

SIGNATURE:

PERSON PROPERTY OBTAINED FROM

ADDRESS

SIGNATURE:

PHONE NO.

Stored at:

☐ Property Room☐ Other☐ If Pawn Shop, attached pawn ticket copy to this form.

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BPD024DP

**Boise Police Department
Supplemental Report**

RD: 25

DR# 2014-418069

1. Incident Topic CONTROLLED SUBSTANCE-DELIVERY		2. Subject/Victim's Name STATE OF IDAHO,	
3. Address 4115 S BROADWAY AVE , BOISE		4. Phone	
5. Date Occurred 08/24/2014	6. Time Occured 12:38	7. Route To County Prosecutor	8. Division BANDIT

Narrative

DETAILS:

On 8-24-14 around 1330 hours I was contacted by Sgt. Farmer, and requested to respond to the Boise Police Department to assist Officer Walker with a narcotics investigation.

Upon arrival Officer Walker informed me that earlier this date Officer Saindon had initiated a traffic stop on a vehicle bearing Washington C45800A for speeding, and during contact with the lone driver identified as Meyer that he (Saindon) could smell the odor of marijuana coming from inside the vehicle. Subsequently a large amount of marijuana along with a large amount of currency was seized. Officer Walker further informed me that during the traffic stop Meyer stated that he had about 1/4 pound of marijuana, that he grew it himself, and that he thought he had about \$3500.00. Prior to interviewing Meyer Officer Walker showed me the evidence that was collected. The following is what I observed:

- 1) \$142.00 taken from Meyer's wallet
- 2) \$2605.00 taken from Meyer's front left pants pocket
- 3) Zip lock baggie containing marijuana, a wooden pipe and 4 screens taken from Meyer's front left pants pocket
- 4) A glass jar containing marijuana and ZigZag packet taken from a duffle bag in the vehicle
- 5) 6 zip lock baggies with each containing marijuana taken from an "Ace" paper bag in the vehicle
 - a. Baggie #1 marked with "Bubba Kush - 30g - Relaxing"
 - b. Baggie #2 marked with "Jack Frost - 16g - Energetic"
 - c. Baggie #3 marked with "Skywalker - 31g - Stress/Sleep"
 - d. Baggie #4 marked with "White Russian - 15g - Sleep/Pain"
 - e. Baggie #5 marked with "White Russian - 30g - Sleep/Pain"
 - f. Baggie #6 marked with "Sour Diesial"

I then interviewed Meyer. Prior to interviewing him I provided him with a Miranda form, then verbally Mirandized him. At the conclusion Meyer signed the Miranda form, and agreed to talk with me. This interview was recorded. Meyer informed me that he was traveling from his home in Tri City to his father's residence in Jerome. Meyer stated that he was going to pick up his dad, and that they were then going to drive together to California for a family reunion. Meyer confirmed with me that the marijuana that was located was his, that he thought it was about a 1/4 pound, and that he was taking it with him to California so his relatives could try it out. Meyer also informed me that he grows his own marijuana with his medical card which he's had for 3 years. Meyer did state that not all of the marijuana was for his relatives, and that some of it was for his personal use. When I asked Meyer why there were separate markings in the zip lock baggies containing the marijuana he informed me it was so the people would know what "strain" it was, and it's effects. Meyer then defined "strain" as different types of plants. Meyer stated that he thought the baggies were broken down into ounces, 1/2 ounces, and 1/4 ounces. Meyer informed me that he doesn't sell the marijuana rather it's a "donation system". Meyer stated that if people give money for it that it is their choice. Meyer stated that the last time he actually sold marijuana was in

Admin

Officer(s) Reporting
Ofc. Kelly Montoya
Approved Supervisor
Sgt. Cole Farmer

Ada No.
752
Ada No
615

Approved Date
08/28/2014 12:01

CRF62014-12367

STATE'S
EXHIBIT
2

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**Boise Police Department
Supplemental Report**

RD: 25

DR# 2014-418069

1. Incident Topic CONTROLLED SUBSTANCE-DELIVERY		2. Subject/Victim's Name STATE OF IDAHO,	
3. Address 4115 S BROADWAY AVE , BOISE		4. Phone	
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1985, and that the last time he "donated" marijuana was 4 to 6 weeks ago. When I asked Meyer about the reason he was stopped he stated that he thought he was going 71 mph, and when he bent down to get a water bottle he realized he was going to fast. When I asked Meyer about the money he informed me that it was from a Union Pension settlement. Meyer estimated his total settlement was around \$4800.00, and that he was carrying the money now in case he broke down during his drive to California. At the conclusion of the interview I took possession of the \$2747.00 placing it in a secure safe at the BANDIT office while Officer Walker took control of all other mentioned items of evidence to include the audio recording.

On 8-25-14 I requested that Officer Reimers utilize his trained and reliable K9 to sniff the money. A short time later Officer Reimers informed me that his K9 alerted to the money. I then informed the State Police of the seizure, photographed the seizure, and put it back into a secure safe at the BANDIT office.

On 8-27-14 I booked the \$2747.00 into evidence at the Ada County Property room.

CONCLUSION:

Route to Ada County Prosecutor's Office

Admin	
Officer(s) Reporting Ofc. Kelly Montoya	Ada No. 752
Approved Supervisor Sgt. Cole Farmer	Ada No. 615
Approved Date 08/28/2014 12:01	

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NOTIFICATION OF RIGHTS

DR# 418069

1. I HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING I SAY MAY BE USED AGAINST ME IN A COURT OF LAW.
3. I HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH ME WHILE BEING QUESTIONED.
4. IF I CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT ME FREE OF CHARGE BEFORE ANY QUESTIONING.
5. I CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.
6. I UNDERSTAND THESE RIGHTS, AND HAVING THEM IN MIND, I WISH TO TALK TO THE OFFICERS NOW.

SIGNED *Douglas Meyer*DATE 8-24-14TIME 1410LOCATION B.P.D.WITNESSED BY *km 752*



National Institute
on Drug Abuse

The Science of Drug Abuse & Addiction

STATE'S
EXHIBIT

3

[Home](#) » [Publications](#) » [DrugFacts](#) » **Is Marijuana Medicine?**

DrugFacts: Is Marijuana Medicine?

[Print](#)

Revised December 2014

The marijuana plant contains several chemicals that may prove useful for treating a range of illnesses or symptoms, leading many people to argue that it should be made legally available for medical purposes. In fact, a growing number of states (20 as of March 2014) have legalized marijuana's use for certain medical conditions.

The term "medical marijuana" is generally used to refer to the whole unprocessed marijuana plant or its crude extracts, which are not recognized or approved as medicine by the U.S. Food and Drug Administration (FDA). But scientific study of the active chemicals in marijuana, called *cannabinoids*, has led to the development of two FDA-approved medications already, and is leading to the development of new pharmaceuticals that harness the therapeutic benefits of cannabinoids while minimizing or eliminating the harmful side effects (including the "high") produced by eating or smoking marijuana leaves.

What Are Cannabinoids and How Might They Be Useful Medically?

Cannabinoids are a large family of chemicals related to delta-9-tetrahydrocannabinol (THC), marijuana's main psychoactive (mind-altering) ingredient. Besides THC, the marijuana plant contains over 100 other cannabinoids. Scientists and manufacturers of "designer" drugs have also synthesized numerous cannabinoids in the laboratory (some of which are extremely potent and, when abused, have led to serious health consequences). The body also produces its own

Are "Medical" and "Street" Marijuana Different?

In principle, no. Most marijuana sold in dispensaries as medicine is the same quality and carries the same health risks as marijuana sold on the street.

However, given the therapeutic interest in cannabidiol (CBD) to treat certain conditions such as childhood

cannabinoid chemicals (called endocannabinoids), which play a role in regulating pleasure, memory, thinking, concentration, movement, coordination, sensory and time perception, appetite, and pain.

Currently the two main cannabinoids of interest therapeutically are THC and cannabidiol (CBD), found in varying ratios in the marijuana plant.

THC stimulates appetite and reduces nausea (and there are already approved THC-based medications for these purposes), but it may also decrease pain, inflammation, and spasticity. CBD is a non-psychoactive cannabinoid that may also be useful in reducing pain and inflammation, controlling epileptic seizures, and possibly even treating psychosis and addictions.

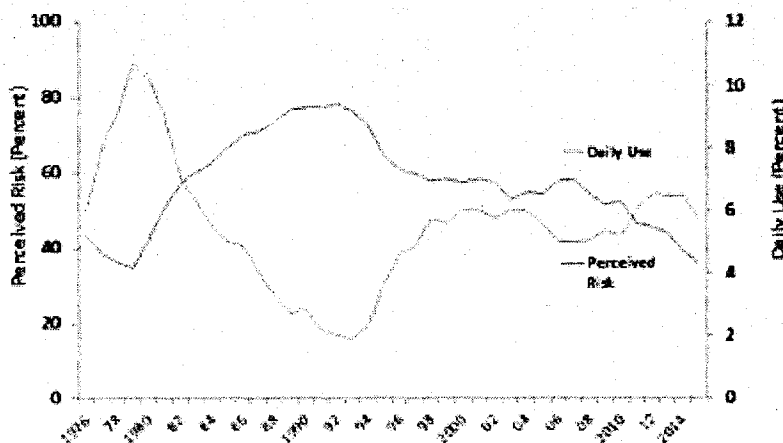
Research funded by the NIH is actively investigating the possible therapeutic uses of THC, CBD, and other cannabinoids to treat autoimmune diseases, cancer, inflammation, pain, seizures, substance use disorders, and other psychiatric disorders.

epilepsy, strains with a higher than normal CBD:THC ratio have been specially bred and sold for medicinal purposes; these may be less desirable to recreational users because of their weaker psychoactive effects.

Misperceptions of Safety

While marijuana use has remained relatively stable over the past few years, there continues to be a changing of attitudes about the perceived risk of harm associated with marijuana use. The majority of high school seniors do not think regular marijuana smoking is harmful (see below). This could indicate that use of marijuana could begin to rise again in future years.

Daily Marijuana Use vs. Perceived Risk of Regular Marijuana Use Among 12th Graders



Source: University of Michigan, 2014 Monitoring the Future

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What Medications Contain Cannabinoids?

An FDA-approved drug called **Dronabinol** (Marinol®) contains THC and is used to treat nausea caused by chemotherapy and wasting disease (extreme weight loss) caused by AIDS. Another FDA-approved drug called **Nabilone** (Cesamet®) contains a synthetic cannabinoid similar to THC and is used for the same purposes.

A drug called **Sativex**®, which contains approximately equal parts THC and CBD, is currently approved in the UK and several European countries to treat spasticity caused by multiple sclerosis (MS), and it is now in Phase III clinical trials in the U.S. to establish its effectiveness and safety in treating cancer pain.

Although it has not yet undergone clinical trials to establish its effectiveness and safety (necessary to obtain FDA approval), a CBD-based drug called **Epidiolex**™ has recently been created to treat certain forms of childhood epilepsy. Some parents of children with a severe form of epilepsy called Dravet Syndrome have reported success in using a high-CBD strain of marijuana to control seizures in their children.

Why Isn't the Marijuana Plant an FDA-Approved Medicine?

The FDA requires carefully conducted studies in large numbers of patients (hundreds to thousands) to accurately assess the benefits and risks of a potential medication. Thus far, there have not been enough large-scale clinical trials showing that benefits of the marijuana plant (as opposed to specific cannabinoid constituents) outweigh its risks in patients with the symptoms it is meant to treat.

The known safety concerns of marijuana include impairment of short-term memory; altered judgment and decisionmaking; and mood effects, including severe anxiety (paranoia) or even psychosis (loss of touch with reality), especially following high-dose exposures. Marijuana also significantly reduces motor coordination and slows reaction time, which makes it very dangerous to use before driving a car. Additionally, although we do not yet know whether marijuana smoking contributes to lung cancer risk, it can cause or worsen other respiratory problems such as bronchitis or chronic cough.

Growing evidence is showing that marijuana may be particularly harmful for young people: It may cause long-term or even permanent impairment in cognitive ability and intelligence when used regularly during adolescence, when the brain is still developing. There is also some evidence that marijuana use during pregnancy may be associated with neurological problems in babies and impaired school performance later in childhood.

Another safety concern is that, contrary to common belief, marijuana can be addictive: About 9% of people who try marijuana will become addicted to it. The number goes up to about 1 in 6 among people who start using marijuana as teenagers, and to 25-50% among daily users.

Are People With Health Problems More Vulnerable to Marijuana's Risks?

Regular medicinal use of marijuana is a relatively new phenomenon, and for that reason its effects on people who are weakened or vulnerable because of illness are still relatively unknown. It is possible that people suffering from diseases such as cancer or AIDS may be more vulnerable to the drug's various adverse effects. More research will be needed to determine if this is the case.

Learn More

- For more information on marijuana and its health effects, visit <http://www.drugabuse.gov/publications/drugfacts/marijuana>
- For information on marijuana research at NIDA, see <http://www.drugabuse.gov/marijuana-research-nida>
- For information on NIDA's role in providing marijuana for medical research, see <http://www.drugabuse.gov/drugs-abuse/marijuana/nidas-role-in-providing-marijuana-research>
- For details on therapeutic cannabinoid research projects funded by NIDA, see <http://www.drugabuse.gov/nida-research-therapeutic-benefits-cannabis-cannabinoids>
- [Independently Funded Studies Receiving Research Grade Marijuana - 1999 to present](#)

This page was last updated December 2014



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National Institute
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The Science of Drug Abuse & Addiction

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DrugFacts: Marijuana

[Print](#)

Revised January 2014

Marijuana refers to the dried leaves, flowers, stems, and seeds from the hemp plant *Cannabis sativa*, which contains the psychoactive (mind-altering) chemical delta-9-tetrahydrocannabinol (THC), as well as other related compounds. This plant material can also be concentrated in a resin called hashish or a sticky black liquid called *hash oil*.

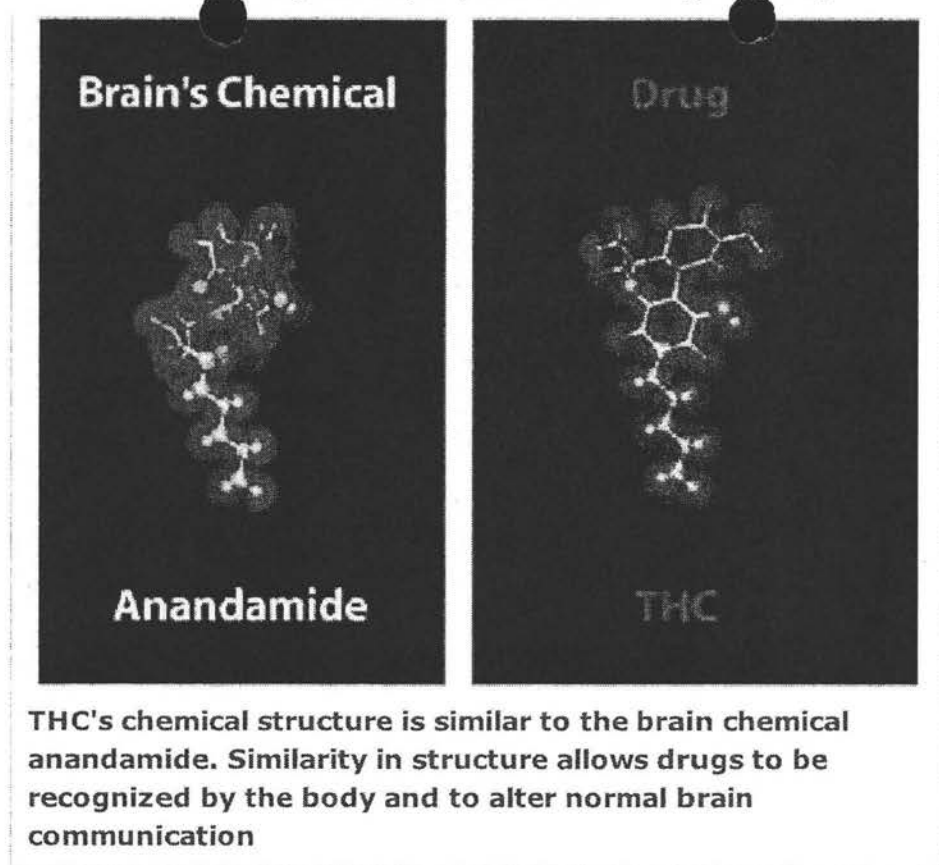
Marijuana is the most common illicit drug used in the United States. After a period of decline in the last decade, its use has been increasing among young people since 2007, corresponding to a diminishing perception of the drug's risks that may be associated with increased public debate over the drug's legal status. Although the federal government considers marijuana a Schedule I substance (having no medicinal uses and high risk for abuse), two states have legalized marijuana for adult recreational use, and 21 states have passed laws allowing its use as a treatment for certain medical conditions (see "Is Marijuana Medicine?", below).

How is Marijuana Used?

Marijuana is usually smoked in hand-rolled cigarettes (joints) or in pipes or water pipes (bongs). It is also smoked in blunts—cigars that have been emptied of tobacco and refilled with a mixture of marijuana and tobacco. Marijuana smoke has a pungent and distinctive, usually sweet-and-sour, odor. Marijuana can also be mixed in food or brewed as a tea.



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How Does Marijuana Affect the Brain?

When marijuana is smoked, THC rapidly passes from the lungs into the bloodstream, which carries the chemical to the brain and other organs throughout the body. It is absorbed more slowly when ingested in food or drink.

However it is ingested, THC acts on specific molecular targets on brain cells, called cannabinoid receptors. These receptors are ordinarily activated by chemicals similar to THC that naturally occur in the body (such as anandamide; see picture, above) and are part of a neural communication network called the endocannabinoid system. This system plays an important role in normal brain development and function.

The highest density of cannabinoid receptors is found in parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movement. Marijuana overactivates the endocannabinoid system, causing the "high" and other effects that users experience. These effects include altered perceptions and mood, impaired coordination, difficulty with thinking and problem solving, and disrupted learning and memory.

Marijuana also affects brain development, and when it is used heavily by young people, its

effects on thinking and memory may last a long time or even be permanent. A recent study of marijuana users who began using in adolescence revealed substantially reduced connectivity among brain areas responsible for learning and memory. And a large long-term study in New Zealand showed that people who began smoking marijuana heavily in their teens lost an average of 8 points in IQ between age 13 and age 38. Importantly, the lost cognitive abilities were not fully restored in those who quit smoking marijuana as adults. Those who started smoking marijuana in adulthood did not show significant IQ declines.

What Are the Other Health Effects of Marijuana?

Marijuana use may have a wide range of effects, particularly on cardiopulmonary and mental health.

Marijuana smoke is an irritant to the lungs, and frequent marijuana smokers can have many of the same respiratory problems experienced by tobacco smokers, such as daily cough and phlegm production, more frequent acute chest illness, and a heightened risk of lung infections. One study found that people who smoke marijuana frequently but do not smoke tobacco have more health problems and miss more days of work than those who don't smoke marijuana, mainly because of respiratory illnesses. It is not yet known whether marijuana smoking contributes to risk for lung cancer.

Is Marijuana Medicine?

Many have called for the legalization of marijuana to treat conditions including pain and nausea caused by HIV/AIDS, cancer, and other conditions, but clinical evidence has not shown that the therapeutic benefits of the marijuana plant outweigh its health risks. To be considered a legitimate medicine by the FDA, a substance must have well-defined and measurable ingredients that are consistent from one unit (such as a pill or injection) to the next. As the marijuana plant contains hundreds of chemical compounds that may have different effects and that vary from plant to plant, and because the plant is typically ingested via smoking, its use as a medicine is difficult to evaluate.

However, THC-based drugs to treat pain and nausea are already FDA approved and prescribed, and scientists continue to investigate the medicinal properties of other chemicals found in the cannabis plant—such as cannabidiol, a non-psychoactive cannabinoid compound that is being studied for its effects at treating pain, pediatric epilepsy, and other disorders. For more information, see [DrugFacts - Is Marijuana Medicine?](#)

Marijuana also raises heart rate by 20-100 percent shortly after smoking; this effect can last up to 3 hours. In one study, it was estimated that marijuana users have a 4.8-fold increase in the risk of heart attack in the first hour after smoking the drug. This risk may be greater in older individuals or in those with cardiac vulnerabilities.

A number of studies have linked chronic marijuana use and mental illness. High doses of marijuana can produce a temporary psychotic reaction (involving hallucinations and paranoia) in some users, and using marijuana can worsen the course of illness in patients with schizophrenia. A series of large studies following users across time also showed a link between marijuana use and later development of psychosis. This relationship was influenced by genetic variables as well as the amount of drug used, drug potency, and the age at which it was first taken—those who start young are at increased risk for later problems.

Associations have also been found between marijuana use and other mental health problems, such as depression, anxiety, suicidal thoughts among adolescents, and personality disturbances, including a lack of motivation to engage in typically rewarding activities. More research is still needed to confirm and better understand these linkages.

Marijuana use during pregnancy is associated with increased risk of neurobehavioral problems in babies. Because THC and other compounds in marijuana mimic the body's own endocannabinoid chemicals, marijuana use by pregnant mothers may alter the developing endocannabinoid system in the brain of the fetus. Consequences for the child may include problems with attention, memory, and problem solving.

Additionally, because it seriously impairs judgment and motor coordination, marijuana contributes to risk of injury or death while driving a car. A recent analysis of data from several studies found that marijuana use more than doubles a driver's risk of being in an accident. The combination of marijuana and alcohol is worse than either substance alone with respect to driving impairment.

Rising Potency

The amount of THC in marijuana samples confiscated by police has been increasing steadily over the past few decades. In 2012, THC concentrations in marijuana averaged close to 15 percent, compared to around 4 percent in the 1980s. For a new user, this may mean exposure to higher concentrations of THC, with a greater chance of an adverse or unpredictable reaction. Increases in potency may account for the rise in emergency department visits involving marijuana use. For frequent users, it may mean a greater risk

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for addiction if they are exposing themselves to high doses on a regular basis. However, the full range of consequences associated with marijuana's higher potency is not well understood. For example, experienced users may adjust their intake in accordance with the potency or they may be exposing their brains to higher levels overall, or both.

Is Marijuana Addictive?

Contrary to common belief, marijuana is addictive. Estimates from research suggest that about 9 percent of users become addicted to marijuana; this number increases among those who start young (to about 17 percent, or 1 in 6) and among people who use marijuana daily (to 25-50 percent).

Long-term marijuana users trying to quit report withdrawal symptoms including irritability, sleeplessness, decreased appetite, anxiety, and drug craving, all of which can make it difficult to abstain. Behavioral interventions, including cognitive-behavioral therapy and motivational incentives (i.e., providing vouchers for goods or services to patients who remain abstinent) have proven to be effective in treating marijuana addiction. Although no medications are currently available, recent discoveries about the workings of the endocannabinoid system offer promise for the development of medications to ease withdrawal, block the intoxicating effects of marijuana, and prevent relapse.

How Does Marijuana Affect a User's Life?

Research shows marijuana may cause problems in daily life or make a person's existing problems worse. Heavy marijuana users generally report lower life satisfaction, poorer mental and physical health, more relationship problems, and less academic and career success compared to non-marijuana-using peers. For example, marijuana use is associated with a higher likelihood of dropping out of school. Several studies also associate workers' marijuana smoking with increased absences, tardiness, accidents, workers' compensation claims, and job turnover.

Learn More

For information on NIDA's marijuana research, click [here](#).

For additional information on marijuana and marijuana abuse, please see NIDA's [Research Report *Marijuana Abuse*](#).

For information on health effects of marijuana , click [here](#).

This page was last updated January 2014



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The Science of Drug Abuse & Addiction

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Marijuana

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Letter From the Director

Changes in marijuana policies across states legalizing marijuana for medical and/or recreational use suggest that marijuana is gaining greater acceptance in our society. Thus, it is particularly important for people to understand what is known about both the adverse health effects and the potential therapeutic benefits linked to marijuana.

Because marijuana impairs short-term memory and judgment and distorts perception, it can impair performance in school or at work and make it dangerous to drive an automobile. It also affects brain systems that are still maturing through young adulthood, so regular use by teens may have a negative and long-lasting effect on their cognitive development, putting them at a competitive disadvantage and possibly interfering with their well-being in other ways. Also, contrary to popular belief, marijuana can be addictive, and its use during adolescence may make other forms of drug abuse or addiction more likely.



What is Marijuana? Marijuana— also called *weed*, *herb*, *pot*, *grass*, *bud*, *ganja*, *Mary Jane*, and a vast number of other slang terms— is a greenish-gray mixture of the dried, shredded leaves and flowers of *Cannabis sativa* — the hemp plant.

Whether smoking or otherwise consuming marijuana has therapeutic benefits that outweigh its health risks is still an open question that science has not resolved. Although many states now permit dispensing marijuana for medicinal purposes and there is mounting anecdotal evidence for the efficacy of marijuana-derived compounds, there are currently no FDA-approved indications for “medical marijuana.” However, safe medicines based on cannabinoid chemicals derived from the marijuana plant have been available for decades and more are being developed.

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This Research Report is intended as a useful summary of what the most up-to-date science has to say about marijuana and its effects on those who use it — both young and old.

Nora D. Volkow, M.D.

Director

National Institute on Drug Abuse

See Also:

- [Message from the NIDA Director - Marijuana's Lasting Effects on the Brain, \(March 2013\)](#)

[Next](#)

This page was last updated December 2014

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**Boise Police Department
Supplemental Report**

RD: 25

DR# 2014-418069

1. Incident Topic CONTROLLED SUBSTANCE-DELIVERY		2. Subject/Victim's Name STATE OF IDAHO,	
3. Address 4115 S BROADWAY AVE , BOISE		4. Phone	
5. Date Occurred 08/24/2014	6. Time Occured 12:38	7. Route To County Prosecutor	8. Division MOTORS

Narrative

INITIAL RESPONSE/CONTACT: Meyer was the driver and lone occupant of a blue and white GMC pickup I stopped for speeding 75mph in a posted 65mph zone. I was doing traffic enforcement on eastbound I-84 just west of Vista when I saw Meyer speeding in the pickup eastbound. I caught up to his vehicle and attempted to pull it over west of the Broadway overpass but Meyer took the Broadway exit and pulled over in the TA truck-stop parking lot.

He immediately opened the door and got out of the vehicle. I told him to stay in his truck and he sat against the seat of his pickup with the door open. I again ordered him to get back into his vehicle and he rolled the window down on the driver's door and got back in the pickup and closed the door. I finally approached the driver's door and asked him for his driver's license, registration and proof of insurance. I immediately smelled the odor of marijuana coming from the open driver's window.

INVOLVED PERSONS RELATIONSHIP(S):**VICTIM INTERVIEW:****SUSPECT INTERVIEW:**

I told him I had stopped him for going 75mph. He said he slowed down when he looked down and saw he was going faster than everyone else was but he didn't think he was going 75. He thought he was going just a little over 70.

Since I could plainly smell marijuana coming from the open driver's window, I asked him if he smokes marijuana and he said he has a medical license for it. When I told him it was illegal in Idaho, he said he didn't know that. I asked him how much marijuana he had with him and he stated about 1/4 pound. He said he was on his way to a family reunion in California.

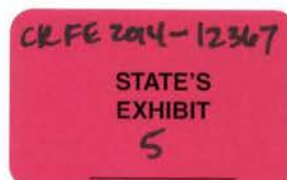
Officer Rose had come to assist and I told him what was going on with Meyer and the marijuana and asked him to call for an assist from patrol to come and help. Officer Walker arrived and took over the investigation into the possession of the marijuana. I filled him in on what Meyer had told me. I had Meyer step out of the vehicle and come to the back of it. I served citation #1583448 on him for speeding 75mph in a 65mph posted zone.

Officer Walker then took over the investigation ultimately arrested Meyer.

WITNESS INTERVIEW:**INJURIES (VICTIM & SUSPECT):****DISPOSITION OF PROPERTY/EVIDENCE/WEAPONS:****Admin**

Officer(s) Reporting	Ada No.
Ofc. Dave Saindon	686
Approved Supervisor	Ada No
Sgt. Todd Ducharme	569

Approved Date
09/04/2014 09:38



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A.M. _____ P.M. _____

FEB - 5 2015

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

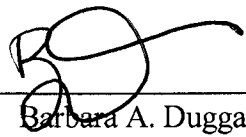
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0012367
vs.)	
	)	SECOND ADDENDUM TO
DOUGLAS EARL MEYER,	)	DISCOVERY RESPONSE TO
	)	COURT
Defendant.)	
)	
_____)	

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted a Second Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 5th day of February 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: 
Barbara A. Duggan
Deputy Prosecuting Attorney



Time	Speaker	Note
<u>8:35:44 AM</u>		CRFE14.12367 State v. Douglas Meyer
<u>9:11:34 AM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Barbara Duggan.
<u>9:11:55 AM</u>	Court	Addresses the deft regarding what was discussed in chambers.
<u>9:13:06 AM</u>	State Attorney	Doctor was not available for the trial that is currently set for Monday.
<u>9:13:29 AM</u>	Court	Addresses the parties.
<u>9:15:10 AM</u>	Public Defender	Statement regarding the filing that was done on Wednesday.
<u>9:15:52 AM</u>	Court	Addresses the parties regarding the motion in limine.
<u>9:16:34 AM</u>	Court	No need to call the doctor for trial.
<u>9:17:15 AM</u>	Off the record.	
<u>9:17:23 AM</u>	Court	Back on the record.
<u>9:17:23 AM</u>	Court	Addresses Mr. Bailey - relevance of the offer of proof. Necessity.
<u>9:18:47 AM</u>	Public Defender	Argument on the motion in limine and the offer of proof.
<u>9:22:18 AM</u>	Court	Addresses the parties.
<u>9:23:04 AM</u>	Court	Nessecity defense can not be made out.
<u>9:23:15 AM</u>	Public Defender	Argument on motion in limine - necessity.
<u>9:27:51 AM</u>	State Attorney	Argument - establish for immediate harm.
<u>9:33:58 AM</u>	Public Defender	Argument on motion.
<u>9:41:42 AM</u>	State Attorney	Further argument. Necessity instruction is not warranted in this case.
<u>9:44:34 AM</u>	Public Defender	Further argument.
<u>9:46:26 AM</u>	Court	Will not allow the necessity defense in for the trial. No threat for immediate harm.
<u>9:50:55 AM</u>	Public Defender	Response - clarification - intent to deliver to the State of California.
<u>9:51:22 AM</u>	Court	Response to the Mr. Bailey's statements.
<u>9:51:49 AM</u>	Public Defender	Nothing further.
<u>9:51:52 AM</u>	State Attorney	Response to the Court's statements.
<u>9:52:06 AM</u>	Court	Can not argue necessity defense at trial.
<u>9:53:57 AM</u>	End.	
<u>9:53:58 AM</u>		
<u>9:53:58 AM</u>		
<u>9:53:58 AM</u>		

Time	Speaker	Note
11:00:30 AM		CRFE14.12367 State v. Douglas Meyer
11:00:38 AM	Court	Recalls case. Deft on bond with counsel Ransom Bailey. State's atty Barbara Duggan.
11:00:51 AM	Defendant	Pleading guilty today.
11:00:55 AM	Court	Addresses the deft.
11:01:20 AM	Court	Deft sworn and examined on his own behalf.
11:05:31 AM	Public Defender	Guilty to Simple possession in excess of 3 ounces. Open recs - Information Part II will be withdrawn.
11:20:33 AM	Court	Discussion between the Court and counsel regarding the right to appeal.
11:20:59 AM	Recess.	
11:21:05 AM	Court	Back on the record.
11:58:31 AM	Public Defender	Reviews document - satisfies the Court.
11:58:52 AM	Court	Continues to examine the deft.
12:01:05 PM	State Attorney	Satisfied with the allocution.
12:01:10 PM	Court	Accepts the guilty plea and directs that it be entered.
12:01:18 PM	Court	Orders PSI and evaluations.
12:01:24 PM	Court	Sentencing - 03.31.15 at 9:00 am.
12:02:28 PM	State Attorney	Statement regarding the evaluations that were given in discvoery - provide the psychological evaluations to provide with the PSI.
12:03:20 PM	Public Defender	No objection.
12:03:27 PM	Court	State can provide materials to PSI.
12:03:45 PM	Court	Addresses the deft regarding the investigator and evaluator.
12:05:16 PM	End.	
12:05:16 PM		
12:05:16 PM		
12:05:16 PM		

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FEB 09 2015

GUILTY PLEA ADVISORY AND FORM (JUDGE RICHARD D. GREENWOOD)
CHRISTOPHER D. RICH, Clerk
DEPUTY

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: Douglas Meyer Signature: Douglas Meyer
Date: February 6, 2015 Case Number: CR-FE-2014-12367

Date of Birth: [REDACTED] Age: 62

Nature of Charge(s): Minimum & Maximum Possible Penalty:

Poss. of over 302 5 yrs
murder \$10,000.

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you choose to have a trial, the State cannot require you to testify. If you do decide to testify, however, the State will be permitted to ask you questions on cross examination and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. DEM

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. DEM

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. DEM.

4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. DEM.

5. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. DEM.

6. You have the right to confront the witnesses called against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty, I am waiving my right to confront the witnesses against me, to present witnesses on my own behalf and to present evidence in my defense. DEM.

7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. DEM.

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CIRCLE ONE

1. Do you read and write the English language?

YES NO

If not, have you been provided with an interpreter to help you fill out this form?

YES NO N/A

2. What is your true and legal name? Douglas EARL Meyer
3. What was the highest grade you completed? 12

If you did not complete high school, have you received either a GED or HSE?

YES NO ☒ N/A

4. Are you currently under the care of a mental health professional? ☒ YES NO

If you answered "yes," what is the mental health professional's name? _____

Ms Pingel - Ms. Haugen

5. Have you ever been diagnosed with a mental health disorder? ☒ YES NO

If you answered "yes," what was the diagnosis and when was it made?

Depression, anxiety, Post Traumatic Stress

6. Are you currently prescribed any medication? ☒ YES NO

If you answered "yes," what medications are you taking at this time?

Mirtazapine,
Simvastatin combiven Albuterol Levothyroxine linsipid

If you answered "yes," have you taken your prescription medication during the past 24 hours?

☒ YES NO N/A

7. In the last 24 hours, have you taken any medications or drugs, **INCLUDING over the counter drugs**, or drunk any alcoholic beverages?

☒ YES NO

If "yes," what have you taken? Alcohol Vitamin D3 B complex fish oil

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decisions in this case?

YES ☒ NO N/A

8. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES ☒ NO

If "yes," what is the reason? _____

9. Is your guilty plea the result of a plea agreement? ☒ YES NO

If you answered "yes," what are the terms of that plea agreement? (If available, a written plea agreement should be attached hereto as "Addendum 'A'")

10. There are two types of plea agreements. Please initial the ONE paragraph below which describes the type of plea you are entering:

- a. I understand that the court is NOT bound by the plea agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. DEM.
- b. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty pursuant to Rule 11(d)(4) of the Idaho Criminal Rules and proceed to a jury trial. _____.

11. As a term of your plea agreement, are you pleading guilty to more than one crime?

YES NO

If you answered "yes," do you understand that your sentence for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)?

YES NO N/A

12. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues?

YES NO

If you answered "yes," what issue are you reserving the right to appeal?

Ct's decision to deny necessity instruction to jury

13. Have you waived your right to appeal your judgment of conviction as part of your plea agreement?

YES NO

14. Have any other promises been made to you which have influenced your decision to plead guilty?

YES NO JS

If you answered "yes," what are those promises?

15. Do you feel you have had sufficient time to discuss your case with your attorney?

☒ YES ☐ NO

16. Have you told your attorney everything you know about the crime?

☒ YES ☐ NO

17. Is there anything you have requested your attorney to do that has not been done?

YES ☒ NO

If you answered "yes," please explain. _____

18. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney during discovery?

☒ YES ☐ NO

19. Are there any witnesses who could show your innocence?

YES ☒ NO

If you answered "yes," have you told your attorney who those witnesses are?

YES ☐ NO ☒ N/A

20. Do you understand that by pleading guilty you waive any defenses, both factual and legal, that you believe you may have in this case?

☒ YES ☐ NO

21. Are there any motions or other requests for relief that you believe should still be filed in this case?

YES ☒ NO

If you answered "yes," what motions or requests? _____

22. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:

- 1) any searches or seizures that occurred in your case,
- 2) any issues concerning the method or manner of your arrest, and
- 3) any issues about any statements you may have made to law enforcement?

☒ YES ☐ NO

23. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty?

☒ YES ☐ NO
☒ YES ☐ NO

24. Are you currently on probation or parole?

If you answered "yes", do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole and additional punishment?

☐ YES ☐ NO ☐ N/A

25. As a result of your plea in this case, have you been advised that you may be required pay restitution to any victim in this case pursuant to I.C. §19-5304?

☒ YES ☐ NO

If "yes", to whom? _____

26. As a result of your plea in this case, have you been advised that you may be required to pay restitution to any other party as a condition of your plea agreement?

☒ YES ☐ NO

If "yes", to whom? _____

27. As a result of your plea in this case, will you be required to pay the costs of prosecution and investigation? (I.C. § 37-2732(k))

☒ YES ☐ NO

28. As a result of your plea in this case, will you be required to submit a DNA sample to the state? (I.C. § 19-5506)

☒ YES ☐ NO

29. As a result of your plea in this case, can the court impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

☒ YES ☐ NO

30. As a result of your plea in this case, is there a **mandatory** driver's license suspension?

☐ YES ☒ NO

If "yes", for how long must your license be suspended? _____.

31. As a result of your plea in this case, is there a mandatory domestic violence, substance abuse, or psychosexual evaluation? (I.C. §§ 18-918(7)(a), -8005(9), -8317)

☐ YES ☒ NO

32. Have you discussed with your attorney the fact the Court will order a pre-sentence investigation, psychosexual evaluation, anger evaluation and/or domestic violence evaluation and that anything you say during any of those examinations may be used against you in sentencing?

☒ YES ☐ NO

33. Has your attorney explained the fact that you have a constitutional right to remain silent during any of those examinations but that you may give up that right and voluntarily participate in those examinations? YES NO

34. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. § 19-2514) YES NO

Do you understand that if you are convicted as a Persistent Violator, the court in that new case could sentence you to an enhanced sentence which could include life imprisonment? YES NO

35. As a result of your plea in this case, will you be required to register as a sex offender? (I.C. § 18-8304) YES NO

If you answered "yes" to Question No. 35, do you understand that if you are found guilty or plead guilty to another charge that requires you to register as a sex offender in the future, you could be charged in the new crime under I.C. § 19-2520G requiring a mandatory sentence of fifteen (15) years to run consecutive to any other sentence imposed by the court? YES NO N/A

36. Do you understand that if you plead guilty to a felony, you will lose your right to vote in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES NO

37. Do you understand that if you plead guilty to a felony, you will lose your right to hold public office in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES NO

38. Do you understand that if you plead guilty to a felony, you will lose your right to perform jury service in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3) YES NO

39. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES NO

40. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES NO

41. Are you pleading guilty freely and voluntarily? YES NO

42. Are you pleading guilty because you committed the acts alleged in the information or indictment? YES NO

43. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES NO N/A

44. Has any person (including a law enforcement officer or police officer) threatened you or done anything to make you enter this plea against your will? YES NO DEM

If your answer is "yes," what threats have been made and by whom?

45. **Other than in the plea agreement**, has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES ☒ NO

If your answer is "yes," what promises have been made and by whom?

46. Do you understand that the only person who can promise what sentence you will actually receive is the Judge? ☒ YES NO

47. Are you satisfied with your attorney? ☒ YES NO

48. Have you answered all questions on this Questionnaire truthfully and of your own free will? ☒ YES NO

49. Have you had any trouble answering any of the questions in this form which you could *not* work out by discussing the issue with your attorney? YES ☒ NO

50. **IF YOU ARE NOT A CITIZEN OF THE UNITED STATES**, do you understand that by pleading guilty you could be deported or removed from the United States, lose your ability to obtain legal status in the United States, or be denied an application for United States citizenship? YES NO ☒ N/A

51. Do you swear under penalty of perjury that your answers to these questions are true and correct? ☒ YES NO

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 6 day of Feb., 2015

Douglas E. Meyer
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

R. B. S.
DEFENDANT'S ATTORNEY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

948 FILED
A.M. P.M.

FEB 09 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

STIPULATION TO ENTER
CONDITIONAL GUILTY PLEA

The parties above-named, by and through undersigned counsel, come now and hereby stipulate and agree, pursuant to I.C.R. 11(a)(2), to allow the Defendant to enter a conditional plea of guilty in the above-entitled matter, which reserves in writing the right, on appeal from judgment, to review the Court's adverse ruling on the Defendant's offer of proof and the subsequent denial by the Court to instruct the jury regarding the necessity defense. If the Defendant prevails on appeal, the Defendant shall be allowed to withdraw his plea of guilty.

DATED this 6th day of February 2015.


BARBARA DUGGAN
Ada County Prosecutor's Office


RANSOM BAILEY
Attorney for Defendant


DOUGLAS EARL MEYER
Defendant

STIPULATION TO ENTER CONDITIONAL GUILTY PLEA

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NO. _____
FILED _____
A.M. _____ P.M. 340

MAR 23 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

RANSOM J. BAILEY, ISB #6475
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS E. MEYER,

Defendant.

Case No. CR-FE-2014-12367

MOTION TO WITHDRAW
GUILTY PLEA

COMES NOW, DOUGLAS E. MEYER, the defendant above-named, by and through
counsel Ransom J. Bailey, Ada County Public Defender's Office, and moves this Court pursuant
to Idaho Code § 19-1714 and Idaho Criminal Rule 33(c) for its ORDER allowing the defendant
to withdraw his plea of "guilty," as Defendant wishes to exercise his right to a jury trial.

DATED, Monday, March 23, 2015.



RANSOM J. BAILEY
Attorney for Defendant

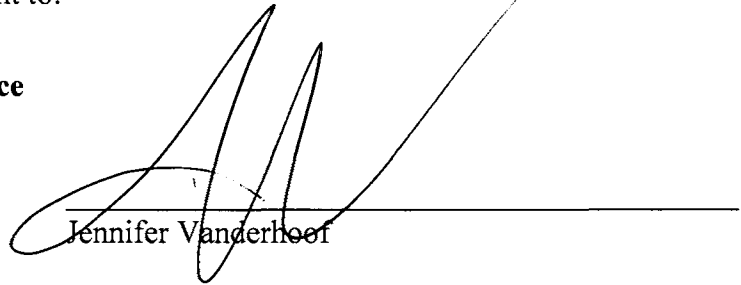
MOTION TO WITHDRAW GUILTY PLEA

EW

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 23rd day of March 2015, I mailed (served) a true and correct copy of the within instrument to:

**Barbara A. Duggan
Ada County Prosecutor's Office
Interdepartmental Mail**



Jennifer Vanderhoof

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NO. 10 FILED
A.M. 10 P.M.

MAR 26 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
DOUGLAS EARL MEYER,)
)
Defendant.)
)
_____)

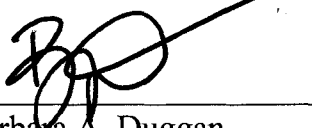
Case No. CR-FE-2014-0012367

**MOTION FOR PREPARATION
OF TRANSCRIPT**

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and moves this Court for its order for preparation of transcript of the Guilty Plea Hearing held on the 6th day of February, 2015.

SUBMITTED THIS 25th day of March, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Barbara A. Duggan
Deputy Prosecuting Attorney

fw

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2015, a true and correct copy of the foregoing Motion for Preparation of Transcript was served to **Ransom Bailey, Ada County Public Defender's Office, 200 W. Front Street, Room 1107, Boise, Idaho 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: _____*



Leti Hebert, Legal Assistant

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:02:29 AM</u>		CRFE14.12367 State v. Douglas Meyer
<u>9:02:31 AM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Barbara Duggan.
<u>9:03:02 AM</u>	Court	Motion to withdraw guilty plea that will need to be scheduled.
<u>9:03:23 AM</u>	Court	Addresses counsel to set the hearing for withdraw of guilty plea. Any additional documents to be filed.
<u>9:04:16 AM</u>	Public Defender	Requests a May date.
<u>9:04:28 AM</u>	State Attorney	Requests a briefing schedule.
<u>9:05:06 AM</u>	Court	Addresses the State regarding the State's request for transcripts.
<u>9:05:54 AM</u>	Court	Discussion between the Court and counsel regarding the briefing schedule.
<u>9:06:51 AM</u>	Court	Mr. Bailey has until 04.20.15 to file the brief. And the States' response brief will be due 04.30.15. Will set the hearing sometime after 04.30.15.
<u>9:07:49 AM</u>	End.	
<u>9:07:49 AM</u>		

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APR 16 2015

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
v.)
)
Douglas Meyer,)
)
Defendant,)
_____)

12367
CASE NO. CR FE 14-~~17848~~
**DEFENDANT'S BRIEF IN SUPPORT
OF MOTION TO WITHDRAW GUILTY
PLEA**

COMES NOW, the above named Defendant, Douglas Meyer, by and through his attorney Ransom Bailey, Deputy Public Defender, and hereby provides this Defendant's Brief in Support of Motion to Withdraw Plea of Guilty.

This Motion is brought pursuant to Article 3, Section 2; Article 4, Section 2; and the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and Article I, Sections 6, 7, and 13, as well as Article V, Section 26 of the Idaho Constitution.

Additionally, the movant relies upon *State v. Cada*, 129 Idaho 224 (Ct. App. 1996) for the principle that the federal constitution functions as a floor, not a ceiling, to the rights which may be enjoyed by an Idaho citizen under this state's constitution.

I. Procedural History

On February 06, 2015, Douglas Meyer, while being represented by counsel appeared for an Offer of Proof before the Court on February 6, 2015. During that hearing, Judge Greenwood

[Handwritten signature]

**DEFENDANT'S BRIEF IN SUPPORT OF
MOTION TO WITHDRAW GUILTY PLEA - 1**

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recited to Mr. Meyer a summary of a discussion that occurred in chambers, off the record. He then came on the record and, after argument, rejected the proffer of evidence that would have been the basis for Mr. Meyer's necessity defense. Judge Greenwood then asked his counsel to speak with Mr. Meyer to determine how he would like to proceed in the case. After a recess, Mr. Meyer advised the court that he would plead guilty conditionally, though he felt pressured to do so.¹

Judge Greenwood began the acceptance of the plea at 11:01 am. At 11:13 am, Mr. Meyer indicated to the court that he was choosing to plead guilty because the Court denied his defense, and that he specifically wanted to preserve his right to appeal. A recess was taken so that Mr. Meyer's counsel could retrieve a form to preserve his right to appeal in writing. At 11:59 am, Mr. Meyer indicated that he was not sure that he wanted to proceed with his guilty plea. When the Court asked if he wanted to withdraw his plea and go to trial, Mr. Meyer responded that he had already pled guilty and now that information could be used against him at trial, so he would proceed. The guilty plea was finally accepted by the court at 12:01 pm.

A Motion to Withdraw Guilty Plea was filed on March 23, 2015. A hearing on the matter was scheduled for April 21, 2015.

I. Entry and Acceptance of Plea is a critical stage of the proceedings.

The court in Idaho recognizes a three part test for which a judge can accept a plea of guilty, (1) whether the defendant's plea was voluntary in the sense that he understood the nature of the charges and was not coerced; (2) whether the defendant knowingly and intelligently waived his rights to a jury trial, to confront his accusers, and refrain from incriminating himself; and (3)

¹ At the time that this Brief was filed with the Court, Mr. Meyer's counsel did not have access to a Transcript of the Hearing, but merely the audio recording of the Hearing.

whether the defendant understood the consequences of pleading guilty. *State v. Dopp*, 124 Idaho 481, 484 (Idaho 1993).

In *Dopp*, the court read the charges to Dopp, which he said he understood. *Id.* Additionally, Dopp acknowledged that he was giving voluntarily pleading guilty and was not being compelled to enter his pleas. *Id.* Dopp claimed that he was mentally ill, and it was his illness that compelled in guilty pleas. *Id.* Thus, the court held that Dopp did voluntarily plead guilty and was compelled to enter his guilty plea. *Id.*

A defendant's plea of guilty is grounded on the premise that the plea was given freely. Mr. Meyer did not freely give his guilty plea due to the realization that his only defense, a necessity defense, was not going to be allowed by the court. Defeated, Mr. Meyer felt compelled to enter a plea of guilty thinking that he had no other choice. The timing of the question by the judge on how to proceed led to Mr. Meyer feeling compelled to enter a plea of guilty. Because Mr. Meyer was compelled to enter a plea of guilty and did not acknowledge he was voluntarily pleading guilty, his guilty plea should not have been accepted.

II. Idaho recognizes a 2-part test for withdrawing guilty pleas prior to sentencing

The withdrawal of guilty pleas is governed by I.C.R. 33(c). Idaho Criminal Rule 33(c) states that:

A motion to withdraw a plea of guilty may be made only before sentence is imposed or imposition of sentence is suspended; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea.

The rule distinguishes between pleas made prior to and after sentencing, exacting a less rigorous measure of proof for presentence motions. The first case to interpret and apply I.C.R. 33(c) (then I.C.R. 32(d)) was *State v. Jackson*, 96 Idaho 584, 532 P.2d 926 (1975). The *Jackson*

court, feeling constrained by the presumption that, under the less rigorous standard, presentence motions should be granted liberally, and relying on federal case law interpreting Fed.Crim.Rule 32(d) (virtually identical to I.C.R. 32(d)) advocating just such an interpretation, held that it was an abuse of discretion for the trial court to deny a presentence guilty plea withdrawal motion where the defendant denied commission of the acts constituting the elements of the crime.

Jackson, 96 Idaho at 588.

The *Jackson* case, which preceded the evolution of the two-step inquiry employed in *Ballard* and *Hawkins*, dictates the conclusion that a trial court must grant a motion to withdraw a guilty plea where such plea does not admit the facts of the charge.

Later cases applying I.C.R. 33(c) to presentence motions to withdraw a guilty plea set out a two-part test. First, defendants seeking to withdraw a guilty plea before sentencing must show a just reason for withdrawing the plea, and second, “[o]nce the defendant has met this burden, the state may avoid the granting of the motion by demonstrating that prejudice would result from withdrawal of the plea.” *State v. Dopp*, 124 Idaho 481 (1993) citing *State v. Hawkins*, 117 Idaho 285, 289 (1990); *State v. Ballard*, 114 Idaho 799, 801 (1988).

In this case Mr. Meyer asserts that the ‘just reason’ for withdrawing his guilty plea is that he was pressured or coerced into entering the plea. Secondarily, the State can show no prejudice in withdrawing his plea at this point.

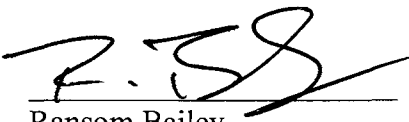
III. Absent evidence that the defendant is engaging in ‘dilatory conduct,’ the Court should liberally grant the defendant’s request.

It is well established in this state that the granting or denial of a motion to withdraw a guilty plea is within the discretion of the trial court, and that such discretion should be liberally exercised. *State v. Martinez*, 89 Idaho 129, 138, 403 P.2d 597, 603 (1965); *see also* *State v.*

Creech, 109 Idaho 592, 594, 710 P.2d 502, 504 (1985), citing *Kienlen v. United States*, 379 F.2d 20, 24 (10th Cir.1967). Due to the lack of any evidence that the defendant is engaging in 'dilatory conduct' the Court should grant Mr. Meyer's request to withdraw his plea of guilty.

Defendant submits this brief in support on his Motion to Withdraw Guilty Plea and prays that the Court will grant the withdrawal.

RESPECTFULLY SUBMITTED this 16th day of April, 2015.

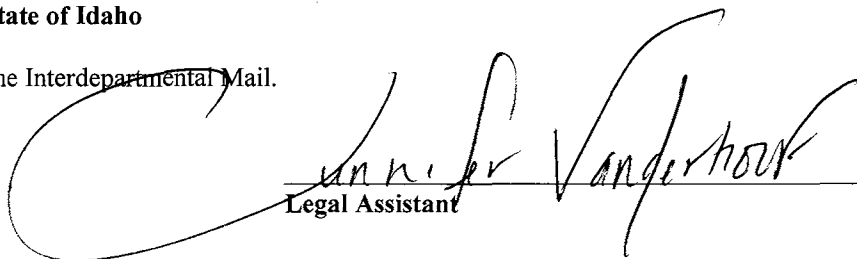

Ransom Bailey
Deputy Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 16th day of April 2015, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTING ATTORNEY
Counsel for the state of Idaho

by depositing the same in the Interdepartmental Mail.


Legal Assistant

107

NO. _____ FILED _____
A.M. _____ P.M. _____

APR 29 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

Case No. CR-FE-2014-0012367

STATE'S OBJECTION TO
DEFENDANT'S MOTION TO
WITHDRAW GUILTY PLEA

COMES NOW, Barbara Duggan, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and notifies the Court and counsel for Defendant Douglas Meyer of the State's Objection to Defendant's Motion to Withdraw his Guilty Plea in the above-captioned case.

PROCEDURAL HISTORY

On August 24, 2014, Douglas Earl Meyer (Meyer) was charged with the offense of Possession of a Controlled Substance with the Intent to Deliver. The Office of the Ada County Public Defender was appointed to represent Meyer on August 25, 2014. A Preliminary Hearing was held on September 25, 2014 and the case was committed to the District Court and assigned to the Honorable Richard Greenwood. Defendant was arraigned

STATE'S OBJECTION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY
PLEA (MEYER, CR-FE-2014-0012367), Page 1 of 10

000136

on October 14, 2014 and entered a plea of Not Guilty on October 28, 2014. Meyer was arraigned on the Information Part II—Persistent Violator on January 27, 2015. A hearing was held on Defendant's Motion in Limine and his proffer regarding a Necessity Defense Jury Instruction being requested regarding "Medical Marijuana" and Meyer's possession, use, intention of delivering a quantity of Marijuana. The State filed an Objection to Defendant's Motion in Limine or Anticipated Request for Necessity ICJI 1512 and supporting exhibits on February 4, 2015. Defendant filed Defendant's Offer of Proof in court at the hearing on February 6, 2015. (Defense Counsel hand-delivered the Defendant's Proffer to the State on February 4, 2015.) At the hearing the court received argument and denied the Defendant's requested jury instruction of necessity and found there was no specific threat of immediate harm. Meyer failed to present a prima facie case for the Necessity Instruction and was not entitled to it. See the Transcript of Proceedings Motion in Limine held on February 6, 2015 prior to the Entry of Plea Hearing held on the same date. (*States Exhibit 2—Transcript of Motion in Limine and Guilty Plea.*) Meyer entered a knowing, voluntary, intelligent plea of guilty to Possession of Marijuana Over 3 oz. on February 6, 2015. A Stipulation was entered on that date that provided Meyer could appeal the ruling of the court regarding denial of the Necessity Instruction and Meyer's failure to present a prima facie case for the instruction. Defendant's reservation of the right to appeal the decision of the court in the Motion in Limine further illustrates the voluntary decision to plead guilty. (Please see the Court's file for the original, written Stipulation of the parties allowing the defendant to appeal the court's decision filed in court at the time of the guilty plea on February 6, 2015.) Prior to accepting his plea of guilty, this Court went through a plea colloquy and Meyer tendered a Written Guilty Plea (*States Exhibit 1—Certified Copy*

of Guilty Plea Form.) (See also Plea Transcript, State's Exhibit 2.) During the course of the guilty plea, Meyer asserted that he was making a knowing and voluntary guilty plea and that he had an understanding of what was going on. Meyer additionally tendered a sworn Guilty Plea Form to the Court. Sentencing was set for March 31, 2015. A Pre-sentence Report was prepared on March 23, 2015 and received by the State on March 24, 2015. Meyer elected to not participate in the PSI. Defendant filed a Motion to Withdraw Guilty Plea on March 23, 2015 and Defendant's Brief in Support of Motion to Withdraw Guilty Plea on April 16, 2015. Defendant submitted no exhibits, affidavits nor transcripts in support of Defendant's motion.

ARGUMENT

Defendant's reason for moving to withdraw his guilty plea is that he was pressured or coerced into entering the plea. Defendant then states, "Secondarily, the State can show no prejudice in withdrawing his plea at this point." Defendant fails to recognize his burden when he argues the state can show no prejudice. Before the court ever gets to the prejudice prong of the analysis, there must be a just cause provided. Stated another way, the Court never gets to the prejudice prong of the analysis absent a just cause to withdraw the plea of guilty. Just putting in a brief that his plea was pressured or coerced is insufficient and is furthermore not supported by the record. Defendant's brief indicates, "Absent evidence that defendant is engaging in 'dilatory conduct,' the Court should liberally grant the defendant's request." Arguably, Meyer may be personally engaging in such conduct by again trying to manufacture or force something in this case i.e. that he was coerced to plead guilty. Meyer personally tried to advance his marijuana agenda and manufacture the necessity defense

where none existed. Necessity is not a created defense. Necessity is organic/systemic/ existing on the date of incident. It is not manufactured retroactively. Now, because the necessity defense was correctly denied by the court based upon the facts of the case, Meyer indicates (absent an affidavit) there was pressure or coercion involved in his plea. The transcript of Defendant's plea colloquy contradicts his new unsworn claim(s) regarding his guilty plea. The State specifically directs the court to questions/responses on the Greenwood Guilty Plea Form tendered to the court on February 6, 2015, items numbered 40-42, 44, 47-48 and 51. Meyer swore under the penalty of perjury that he completed the Guilty Plea Form freely and voluntarily and that no one threatened Meyer to do so. (*See State's Exhibit 1—Guilty Plea Form.*) Meyer answered affirmatively that no one, including his attorney can force him to plead guilty, that he was pleading guilty because he committed the acts alleged in the information, that no person including police threatened or did anything to make him enter the plea against his will, that he was satisfied with his attorney, that he answered all questions in the questionnaire truthfully and of his own free will and that he did swear under the penalty of perjury that his answers to the questions were true and correct. Prior to taking the plea of guilty, the Court stated, "Mr. Meyer, before I can accept a guilty plea, you and I need to have a discussion. I need you to be certain that your plea is free and voluntary, and that you understand the consequences of pleading guilty, and to be certain there is a factual basis for your guilty plea." (*State's Exhibit 2—Plea Trans. p. 36 at lines 7-12.*) Meyer was placed under oath and agreed to answer truthfully. Defendant did solemnly swear or affirm that the testimony he was about to give before the court was the truth, the whole truth and nothing but the truth. (*Plea Trans. p. 36, ln. 23-25, p. 37, ln. 1-2.*) Defendant completed the 12th Grade and had his high school diploma. *Plea Trans. p. 38, ln.*

18-21.) Defendant stated he understood the nature of the charges against him and the possible penalties of the guilty plea. (*See generally Plea Trans. pp. 44-47.*) The Court then asked the Defendant, "Why did you decide to plead guilty?" Meyer responded, "Because you denied my defense." The Court said, "Okay. And you're not otherwise contesting the—what happened?" Meyer answered, "I am reserving my right to appeal." (*Plea Trans. p. 48, ln. 3-9.*) Meyer went on to indicate he was reserving the right to appeal the Court's decision on the necessity defense, that he got advice from friends and that he had an adequate opportunity to discuss it with his lawyer, and that he was satisfied with the representation he had. (*Plea Trans. p. 50, ln 13-25 and p. 51, ln. 1-16.*) Defendant indicated he understood his rights, and that he was giving up the presumption of innocence. (*Plea Trans. p. 52.*) Defendant completed the written guilty plea form in his own hand and had the assistance of counsel regarding questions on the form. Meyer indicated he signed the form. (*Plea Trans. p 38, ln. 1-17.*) The Court asked Meyer, "Are you sure you still want to do this, plead guilty?" Defendant answered, "No, I'm not sure, but I have already made that decision." The Court asked would you like to withdraw your guilty pleas at this time and go forward to trial?" Meyer said, "Well, you're going to use it against me. So I just gave you more evidence." Defense Counsel say, "He just wants a straight answer," and Defendant responds to the Court, " Well, I've already plead guilty." (*Plea Trans. p. 55, ln. 4-16.*) Defendant then plead guilty after the court received the factual basis for the crime and the Court accepted the guilty plea. The Court indicated, "I will accept the defendant's guilty plea. I find that it is free and voluntary. It is done with the understanding of the consequences that the Defendant, at this time, believes the guilty plea with the reservation of the right to appeal, is in his best interest under the circumstances." (*Plea Trans. p. 56, ln.*

23-25, p. 57, *ln. 1-4*.) Defendant made a strategic and thoughtful choice and reserved his ability to appeal the decision of the court. For Meyer to now indicate he was coerced is disingenuous and not founded in the record. Given all of these representations, assertions and acknowledgements under oath, the opportunities offered by the court to clarify Defendant's desire to plead guilty, the delay in the proceedings to secure and file a Stipulation in writing that preserved Meyer's right to appeal, and the evidence in the State's Exhibits, the Defendant's Motion to Withdraw the Guilty Plea is without just cause and should be denied.

A motion to withdraw a guilty plea is governed by I.C.R. 33(c), which allows for a defendant to seek to withdraw a guilty plea prior to the imposition of sentence. However, as multiple Idaho cases have held, "the right to withdraw a guilty plea before sentencing is not absolute; a defendant must demonstrate a 'just reason' for withdrawing the plea." *State v. Acevedo*, 131 Idaho 513, 516 (Id. Ct. App. 1998). *Acevedo* further indicates,

"A motion to withdraw a guilty plea is governed by Rule 33(c) of the Idaho Rules of Criminal Procedure. Pursuant to Rule 33(c), a motion to withdraw a guilty plea generally 'may be made only before sentence is imposed . . .' However, the right to withdraw a guilty plea before sentencing is not absolute; a defendant must demonstrate a just reason to withdraw a guilty plea. See *State v. Dopp*, 124 Idaho 481, 485, 861 P.2d 51, 55 (1993). Once a defendant meets this burden, the state can avoid the granting of the motion by demonstrating that it will be prejudiced by the plea withdrawal. *Id.* Even if the state will suffer no prejudice from a defendant's plea withdrawal, a motion to withdraw may still be denied if the defendant fails to present and support a plausible reason for granting the withdrawal. *State v. McFarland*, 130 Idaho 358, 362, 941 P.2d 330, 334 (Ct. App. 1997). In either situation the defendant has the burden of proving that the plea should be withdrawn. *Id.* See also *State v. Wyatt*, 131 Idaho 95, 952 P.2d 910 (Ct. App. 1998). The defendant bears the burden of providing a just reason for withdrawal of the plea, and in doing so must "present and support a plausible reason for granting the withdrawal." *Id.* This is true even if the State will not suffer any prejudice as a result of a plea being withdrawn.

The defendant must first present a just reason and then must support the just reason. Meyer fails to either present a just reason or, support the bare reason he mentioned in briefing, without citations to the record, affidavit of counsel, of defendant, or any other testamentary evidence. After completely failing to present a just reason, failing to meet his burden of proof, Meyer seeks to jump to arguing there is no prejudice to the State and then he tries to argue a liberal standard of review by the court. The court enjoys the discretion to grant or deny a motion to withdraw a plea of guilty. The Court gets to that standard of review when Meyer presents a just cause. If a just cause is presented and supported then the court has discretion to grant or deny the motion. Meyer seemingly seeks to skip his first obligation to provide just cause and rush to shifting the burden to the State to show no prejudice.

A party may not withdraw a guilty plea before sentencing as a matter of right, and a defendant has the burden of demonstrating that he or she should be allowed to withdraw a plea. *State v. Carrasco*, 117 Idaho 295, 298, 787 P.2d 281, 284 (1990). The burden is on the defendant to present a just reason for withdrawing a guilty plea. *State v. Hansen*, 120 Idaho 286, 289, 815 P.2d 484, 487. Failure of the defendant to present and support a plausible reason for withdrawing a guilty plea, even absent prejudice to the prosecution, mitigates against the motion. *Id* at 290, 488.

Under Idaho Criminal Rules in determining whether to grant a motion to withdraw a guilty plea, the trial court is required to consider whether: (1) the plea was voluntary in the sense that the defendant understood the nature of the charges and was not coerced; (2) the defendant knowingly and intelligently waived her right to a jury trial, to confront accusers, and to refrain from incriminating herself; and (3) the defendant

understood the consequences of pleading guilty. *State v. Mauro*, 121 Idaho 178, 180, 824 P.2d, 109, 111 (1991).

The Idaho Court of Appeals has stated, "A declaration of innocence alone does not entitle a defendant to withdraw a guilty plea." *Atkins at 162*, quoting *State v. Knowlton*, 122 Idaho 548, 549 (*Idaho App.* 1992). The Idaho Supreme Court has held that "a denial of factual guilt is not a just reason for the later withdrawal of the plea, in cases where there is some basis in the record of factual guilt...." *Dopp at 486*. Further, the courts have held, "If mere assertion of legal innocence were always a sufficient condition for withdrawal, withdrawal would effectively be an automatic right." *State v. Rodriguez*, 118 Idaho 957, 960 (*Idaho App.* 1990). Meyer has not professed innocence or indicated at any time that he did not possess over three ounces of marijuana in Idaho. He has not even denied his intention to deliver some of that marijuana to another.

In the present case Defendant has not presented a "just reason" for allowing withdrawal of his guilty plea. Meyer entered a knowing, voluntary and intelligent plea of guilty. It is prejudicial to the State to have to continue to expend time and resources to counter Meyer's claims. Defendant has a marijuana agenda and he seeks to put his desire to use marijuana paramount to the laws of Idaho. Meyer is content to use the resources of the public defender (which has an obligation to zealously represent clients) to advance his marijuana agenda to the detriment of the State of Idaho. Meyer has been appointed a public defender even though he receives a relatively healthy pension, is a marijuana producer and supplier and he told Detective Montoya that he provided marijuana on a donation system and if people give money for it that is their choice. (BPD DR#2014-418069 provided previously as State's Exhibit 2 in the State's Objection to Motion in Limine or Anticipated

Request for Necessity filed 02-04-15.) Defendant did not claim income from Marijuana donations on his Application for Public Defender (*State's Exhibit 3.*) Meyer apparently will not accept the learned advice of counsel or the ruling of the court, perhaps because he suffers no cost in rejecting what he does not want to hear. Meanwhile the State is prejudiced. The case ages, the officers have more work, the State spends \$198.25 to obtain a transcript of the guilty plea and the motion heard on the same day, we issue, serve, cancel, re-issue subpoenas repeatedly if Defendant gets to withdraw his plea based on what is arguably a frivolous motion to withdraw guilty plea by Meyer. The State does not get the finality of events, the PSI author works to create the timely submission of the PSI and the ability to utilize resources where they are legitimately required is compromised. Meyer seeks to escape personal accountability and to be rewarded by engaging in subterfuge by floating the accusation that he was pressured or coerced. The State is not even certain what "pressured" means in this context. Defendant failed to articulate how unspecified "pressure" becomes an involuntary plea. Meyer (not the State, not the Court, not Defense Counsel) created his dearth of options and now he will say what he thinks he needs to say to not be responsible for the options he created for himself. Meyer's attempt at his created defense of necessity was a mercurial creation. Meyer's cry of coercion is his disenchantment with where he has placed himself and an attempt to sidestep his reckoning.


CONCLUSION

We can look to the case of *State v. Wyatt*, 131 Idaho 95 (Id. Ct. App. 1998) and note the defendant has the burden of proving that a plea should be withdrawn. Defendant needs to establish a just reason for withdrawing his guilty plea before sentencing. Defendant quite simply has not met that burden. The proof in the record is that Meyer entered a

knowing, voluntary and intelligent plea of guilty and it should not be disturbed. The Defendant has not established a just reason to withdraw the guilty plea and there is no requirement for the state to demonstrate prejudice to the State. It is prejudicial to the State when duplicity by Meyer is rewarded and it is prejudicial to the administration of justice to come in with a late, unfounded accusation. The State prays Defendant's motion be denied.

DATED this 29th day of April, 2015.

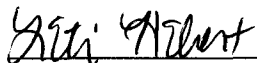
JAN M. BENNETTS
Ada County Prosecuting Attorney


Barbara Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2015, a true and correct copy of the foregoing **State's Objection to Defendant's Motion to Withdraw Guilty Plea** was served to **Ransom Bailey, Attorney at Law, Office of the Ada County Public Defender**, in the manner noted below:

- ☐ By depositing copies of the same in the United States mail, postage prepaid first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Legal Assistant

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS FEB 09 2015

GUILTY PLEA ADVISORY AND FORM (JUDGE RICHARD D. GREENWOOD)
CHRISTOPHER D. RICH, Clerk
DEPUTY

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: Douglas Meyer Signature: Douglas Meyer
Date: February 6, 2015 Case Number: CR-FE-2014-12367
Date of Birth: [REDACTED] Age: 62
Nature of Charge(s): Minimum & Maximum Possible Penalty:
Poss. of over 3oz 5 yrs
marijuana \$10,000.

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you choose to have a trial, the State cannot require you to testify. If you do decide to testify, however, the State will be permitted to ask you questions on cross examination and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. DEM

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. DEM

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. DEM.

4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. DEM.

5. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. DEM.

6. You have the right to confront the witnesses called against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty, I am waiving my right to confront the witnesses against me, to present witnesses on my own behalf and to present evidence in my defense. DEM.

7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. B.M..

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CIRCLE ONE

1. Do you read and write the English language?

YES NO

If not, have you been provided with an interpreter to help you fill out this form?

YES NO N/A

2. What is your true and legal name? Douglas Earl Meyer
3. What was the highest grade you completed? 12

If you did not complete high school, have you received either a GED or HSE?

YES NO N/A

4. Are you currently under the care of a mental health professional? YES NO

If you answered "yes," what is the mental health professional's name? _____

Ms Pingel - Ms. Hanger

5. Have you ever been diagnosed with a mental health disorder? YES NO

If you answered "yes," what was the diagnosis and when was it made?

Depression, Anxiety, Post Traumatic Stress

6. Are you currently prescribed any medication? YES NO

If you answered "yes," what medications are you taking at this time?

Mirtazapine,
Simvastatin combiven Albuterol Levothyroxine hirsipil

If you answered "yes," have you taken your prescription medication during the past 24 hours?

YES NO N/A

7. In the last 24 hours, have you taken any medications or drugs, **INCLUDING over the counter drugs**, or drunk any alcoholic beverages?

YES NO

If "yes," what have you taken? Alcohol Vitamin D3 B complex fish oil

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decisions in this case?

YES NO N/A

8. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES NO

If "yes," what is the reason? _____

9. Is your guilty plea the result of a plea agreement? YES NO

If you answered "yes," what are the terms of that plea agreement? (If available, a written plea agreement should be attached hereto as "Addendum 'A'")

10. There are two types of plea agreements. Please initial the ONE paragraph below which describes the type of plea you are entering:

- a. I understand that the court is NOT bound by the plea agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. DEIN.
- b. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty pursuant to Rule 11(d)(4) of the Idaho Criminal Rules and proceed to a jury trial. _____.

11. As a term of your plea agreement, are you pleading guilty to more than one crime?

YES NO

If you answered "yes," do you understand that your sentence for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)?

YES NO N/A

12. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues?

YES NO

If you answered "yes," what issue are you reserving the right to appeal?

Ct's decision to deny necessity instruction to jury

13. Have you waived your right to appeal your judgment of conviction as part of your plea agreement?

YES NO

14. Have any other promises been made to you which have influenced your decision to plead guilty?

YES NO

If you answered "yes," what are those promises?

15. Do you feel you have had sufficient time to discuss your case with your attorney?

☒ YES ☐ NO

16. Have you told your attorney everything you know about the crime?

☒ YES ☐ NO

17. Is there anything you have requested your attorney to do that has not been done?

YES ☒ NO

If you answered "yes," please explain. _____

18. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney during discovery?

☒ YES ☐ NO

19. Are there any witnesses who could show your innocence?

YES ☒ NO

If you answered "yes," have you told your attorney who those witnesses are?

YES ☐ NO ☒ N/A

20. Do you understand that by pleading guilty you waive any defenses, both factual and legal, that you believe you may have in this case?

☒ YES ☐ NO

21. Are there any motions or other requests for relief that you believe should still be filed in this case?

YES ☒ NO

If you answered "yes," what motions or requests? _____

22. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:

- 1) any searches or seizures that occurred in your case,
- 2) any issues concerning the method or manner of your arrest, and
- 3) any issues about any statements you may have made to law enforcement?

☒ YES ☐ NO

23. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty?

☒ YES ☐ NO

24. Are you currently on probation or parole?

☐ YES

☒ NO

If you answered "yes", do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole and additional punishment?

☐ YES ☐ NO ☐ N/A

25. As a result of your plea in this case, have you been advised that you may be required pay restitution to any victim in this case pursuant to I.C. §19-5304?

☒ YES ☐ NO

If "yes", to whom? _____

26. As a result of your plea in this case, have you been advised that you may be required to pay restitution to any other party as a condition of your plea agreement?

☒ YES ☐ NO

If "yes", to whom? _____

27. As a result of your plea in this case, will you be required to pay the costs of prosecution and investigation? (I.C. § 37-2732(k))

☒ YES ☐ NO

28. As a result of your plea in this case, will you be required to submit a DNA sample to the state? (I.C. § 19-5506)

☒ YES ☐ NO

29. As a result of your plea in this case, can the court impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

☒ YES ☒ NO

30. As a result of your plea in this case, is there a **mandatory** driver's license suspension?

☐ YES ☒ NO

If "yes", for how long must your license be suspended? _____.

31. As a result of your plea in this case, is there a mandatory domestic violence, substance abuse, or psychosexual evaluation? (I.C. §§ 18-918(7)(a), 8005(9), 8317)

☐ YES ☒ NO

32. Have you discussed with your attorney the fact the Court will order a pre-sentence investigation, psychosexual evaluation, anger evaluation and/or domestic violence evaluation and that anything you say during any of those examinations may be used against you in sentencing?

☒ YES ☐ NO

33. Has your attorney explained the fact that you have a constitutional right to remain silent during any of those examinations but that you may give up that right and voluntarily participate in those examinations? YES NO

34. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. § 19-2514) YES NO

Do you understand that if you are convicted as a Persistent Violator, the court in that new case could sentence you to an enhanced sentence which could include life imprisonment? YES NO

35. As a result of your plea in this case, will you be required to register as a sex offender? (I.C. § 18-8304) YES NO

If you answered "yes" to Question No. 35, do you understand that if you are found guilty or plead guilty to another charge that requires you to register as a sex offender in the future, you could be charged in the new crime under I.C. § 19-2520G requiring a mandatory sentence of fifteen (15) years to run consecutive to any other sentence imposed by the court? YES NO N/A

36. Do you understand that if you plead guilty to a felony, you will lose your right to vote in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES NO

37. Do you understand that if you plead guilty to a felony, you will lose your right to hold public office in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES NO

38. Do you understand that if you plead guilty to a felony, you will lose your right to perform jury service in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES NO

39. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES NO

40. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES NO

41. Are you pleading guilty freely and voluntarily? YES NO

42. Are you pleading guilty because you committed the acts alleged in the information or indictment? YES NO

43. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES NO N/A

44. Has any person (including a law enforcement officer or police office) threatened you or done anything to make you enter this plea against your will? YES NO DEM

If your answer is "yes," what threats have been made and by whom?

45. Other than in the plea agreement, has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES NO

If your answer is "yes," what promises have been made and by whom?

46. Do you understand that the only person who can promise what sentence you will actually receive is the Judge? YES NO

47. Are you satisfied with your attorney? YES NO

48. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES NO

49. Have you had any trouble answering any of the questions in this form which you could not work out by discussing the issue with your attorney? YES NO

50. IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, do you understand that by pleading guilty you could be deported or removed from the United States, lose your ability to obtain legal status in the United States, or be denied an application for United States citizenship? YES NO N/A

51. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES NO

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 6 day of Feb., 2015

Douglas E Meyer
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

R. B. B.
DEFENDANT'S ATTORNEY

Greenwood Guilty Plea Form

STATE OF IDAHO
COUNTY OF ADAMS
I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 8 day of Feb., 2015.
By Christopher D. Rich
CHRISTOPHER D. RICH, Deputy
000153

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

----- x Case No. CRFE-2014-0012367
STATE OF IDAHO, :
Plaintiff, :
vs. :
DOUGLAS EARL MEYER, :
Defendant. :
----- x

TRANSCRIPT OF PROCEEDINGS

Motion in Limine/Entry of Plea hearing held on
February 6, 2015, before Honorable Richard D. Greenwood,
District Court Judge.

A P P E A R A N C E S

For the State
Barbara Duggan
ADA COUNTY PROSECUTOR'S OFFICE
200 West Front Street, Room 3191
Boise, Idaho 83702

For the Defense
Ransom Bailey
ADA COUNTY PUBLIC DEFENDER'S OFFICE
200 West Front Street, Suite 1107
Boise, Idaho 83702

Reported by
Tiffany Fisher, RPR
CSR No. 979

suggestion that a continuance would be required to
give them a fair opportunity to respond to any
such evidence.

There was also discussion of the fact
that the State had tendered to me a recorded disk
as an exhibit to their brief. I advised them that
whatever was on that disk I couldn't view. No
decisions were made in the course of that
discussion.

Counsel, have I missed something that
was brought up?

MS. DUGGAN: It's my understanding, Judge,
that the doctor that's the subject of the proffer
would also not be available for trial on behalf of
the defendant on Monday.

THE COURT: That was also mentioned.
Thank you.

Mr. Meyer, I'm just reciting that so
you know what happened and we have that on the
record. And as I said, no decisions were made.

So, counsel, for the record -- and the
other issue that occurred was the offer of proof
filed by your attorney was not in my file for some
reason. And your attorney obtained a copy and
provided it to me, and I read it. That's the

February 6, 2015

BOISE, IDAHO

THE COURT: Please be seated.

Good morning, Counsel.

MR. BAILEY: Good morning, Your Honor.

THE COURT: Mr. Meyer?

THE DEFENDANT: Good morning.

THE COURT: Mr. Meyer, I want to advise you
that there was a conference in chambers in your
absence between the attorneys and myself. The
topics under discussion were issues related to the
presentation or determination of evidence in your
upcoming trial.

Specific issues raised were, one, that
your attorney has consulted with a physician.
Apparently, you have been examined. And the --
your attorney wishes to have that evidence
proffered to the Court that is a preliminary
showing of the evidence done by telephone this
morning.

The other issue that was raised was
State's concern about the timeliness of the
disclosure; and if the Court allows the evidence
to go forward, the State is concerned -- or a

reason for the delay in starting, frankly, that I
was reading the offer of proof that wasn't in my
file and thought it had been.

And now --

THE CLERK: Do you want me to go grab it?

THE COURT: Yeah.

Apparently, somewhere, Mr. Bailey,
we're told that there's -- that the copy was
delivered to the clerk's office, but it's on a
filing basket somewhere.

Just to let you know, there are, I
don't know, 30,000 pieces of paper filed in this
courthouse every week. And sometimes it takes a
while for stuff to get from one place to another.

MR. BAILEY: Well, Your Honor, I had brought
it on Wednesday, when I was able to deliver it to
the State. I got off work and --

THE COURT: Time out. We're going off the
record for a minute.

(Recess.)

THE COURT: Back on the record.

Sorry. It turns out that the copy that
was provided to me was, in fact, here. It was
just sort of buried in with the pre-000155
hearing transcripts.

1 So, I'm sorry, Mr. Bailey. I
2 interrupted you.

3 MR. BAILEY: It was just an aside,
4 Your Honor, that on Wednesday, I personally
5 delivered my copy to the State. And in
6 retrospect, I probably should have delivered it to
7 the Court, as well, to make sure everybody had it.
8 My apologies.

9 THE COURT: That's fine. We're here now.
10 So the issue is: Where do we go from
11 here?

12 MR. BAILEY: Yes.

13 THE COURT: I guess, Mr. Bailey, I have read
14 your offer of proof. And for the purposes of this
15 motion, my concern is whether we get -- and I'm
16 just going to start there.

17 And because of the nature of this
18 motion, which is, I guess, in the nature of a
19 motion in limine to take a preliminary look at
20 evidence, I'm just going to start by saying that I
21 have read it. And I'm not sure what would be
22 added to the record.

23 Ms. Duggan, if I have the doctor on the
24 telephone or even live here today, what I'm really
25 looking at is what is the substance of the

1 allow it to come into evidence for a jury to make
2 a finding based upon the necessity evidence.

3 I have read the briefs of both of the
4 parties. There's no real disagreement on what the
5 controlling rule of law is, I don't believe. But
6 there is some issue with respect to the delivery
7 charge.

8 So, Mr. Bailey, I'll give you the
9 opportunity, if you would like, to make further
10 argument.

11 MR. BAILEY: Well, Your Honor, I guess I
12 would ask if the Court specifically --

13 THE COURT: Where my concerns are?

14 MR. BAILEY: Yes.

15 THE COURT: All right. Let's start with the
16 charge here is possession with intent to deliver.

17 MR. BAILEY: Yes.

18 THE COURT: Necessity is not under Idaho
19 case law. In fact, the original case that
20 discusses this -- Tadlock is the name -- necessity
21 is not a defense to an intent to deliver charge.
22 The distinguishing factor that this defense relies
23 upon is that the defendant, in this case, has a
24 producer's card, for lack of a better term, from
25 the state of Washington that says he's allowed to

1 evidence that's being offered. So for the purpose
2 of an offer of proof, I'm just going to start with
3 what was presented by the defense. I don't see
4 any need to call the doc.

5 MR. BAILEY: Okay.

6 THE COURT: Having him on the phone to
7 repeat what he put in his report that was tendered
8 by the State is -- doesn't add anything to what
9 they are proposing at this point.

10 So with that, Mr. Bailey, if you needed
11 to take a moment to call the doctor and tell him
12 his presence would not be required telephonically
13 this morning, that's fine. Or if he wants to wait
14 30 minutes, that's up to you.

15 MR. BAILEY: Two seconds, Your Honor. Very
16 quickly.

17 THE COURT: Do it right there at counsel
18 table. We'll go off the record.

19 MR. BAILEY: Thank you, Your Honor. This
20 shouldn't take long.

21 (Recess.)

22 THE COURT: Back on the record.

23 Mr. Bailey, I'm having difficulty
24 seeing where this proffered evidence rises to the
25 level of relevance that would allow me to -- or to

1 produce marijuana for the benefit of another.

2 That another person that is shown in
3 the card that is tendered in evidence has no
4 appearance elsewhere in this case. And the
5 tendered evidence is he's doing it for himself,
6 that he's raising the marijuana for himself.

7 The other evidence appears to be he's
8 delivering it to someone other than the person.
9 The intended recipient here is a person other than
10 the person for whom he has the license to produce
11 and deliver in the state of Washington. So I
12 don't see how this is distinguished from Tadlock.

13 To the extent it were to be allowed to
14 come in because of the simple possession charge is
15 an included offense of possession with intent to
16 deliver. And, again, the preliminary view of the
17 evidence would say here that it's possession in
18 excess of 3 ounces. It says, "quarter pound."
19 That's 4 ounces. So it would still remain a
20 felony charge.

21 In spite of the doctor's validation, if
22 you want to call it that, the use of a
23 non-approved plant substance to treat medical
24 conditions, the evidence here doesn't come close
25 to showing a specific threat of immediate harm.

1 What's the immediate harm? Nobody is going to
2 die. Nobody is going to suffer lasting
3 irreparable injury.

4 The defendant is simply driving down
5 the highway and speeding. And he's not speeding
6 to the scene of an accident. He's not speeding to
7 the rescue of someone. He's speeding because he
8 apparently wasn't paying that much attention and
9 crept over the speed limit when it changed from 75
10 to 65. I don't know. But the police reports
11 would indicate that, based upon the proffered
12 evidence I have.

13 So there's no specific threat of
14 immediate harm. And absent some proffer of
15 evidence that would show the foundation for the
16 defense, I'm not going to let it in so someone can
17 argue that marijuana ought to be legal. It is not
18 legal in this state. It is a felony to have in
19 possession more than 3 ounces.

20 And it is a felony punishable even more
21 harshly for possession of marijuana in any
22 quantity with the intent to deliver it to someone
23 else, which is the prime -- well, whether or not
24 those facts are proven or established at trial, I
25 make no ruling on that. I'm not obviously

11

1 unfortunate that the Court does not have -- or was
2 not able to view the interview, that he expounds
3 on that a little bit and explains.

4 As the Court is aware, he's not only a
5 medical marijuana -- not only does he have a
6 prescription for medical marijuana, but he is a
7 provider, as well.

8 THE COURT: A provider to a specific person.

9 MR. BAILEY: Yes, which means in the state
10 of Washington he is allowed to grow marijuana.

11 And in our offer of proof, you see that
12 provider card in which Tammy Lee Rose is the
13 recipient. And he's here in the courtroom today,
14 Your Honor. I think if you were to allow
15 Mr. Meyer to testify, he could say and explain to
16 the Court exactly what his, if you want to call it
17 an intent to deliver, really would be about.

18 And that is he was planning on taking
19 this marijuana to the state of California for a
20 family reunion. He had a relative down there who
21 apparently had been injured. And at least
22 according to Mr. Meyer, the way I understand it,
23 is that he would allow this relative to sample
24 some of the marijuana that he --

25 THE COURT: Well, I got a flavor for that in

1 suggesting that the defendant is guilty or not
2 guilty of the crime charged. As he sits there
3 right now, he's innocent because a jury has heard
4 no evidence upon which they could determine his
5 guilt.

6 So I'm not suggesting that I'm ruling
7 that he's guilty. I'm simply saying that upon the
8 facts that have been laid before me, for me to
9 make a preliminary call, frankly, so we're not
10 running a jury trial out four days instead of
11 three, because we would be doing this otherwise in
12 the midst of trial, I'm making a call that with
13 the evidence I have before me, a necessity defense
14 cannot be made out. The issue of what is specific
15 immediate harm, I don't see it.

16 So I'll start there, Mr. Bailey, and
17 let you address that.

18 MR. BAILEY: Well, thank you for clarifying
19 that, Your Honor.

20 I guess, taking these one at a time,
21 while it is true, let's start with the intent to
22 deliver. I don't think there's any disagreement
23 about some of the statements that Mr. Meyer made
24 with regards to taking a portion of this marijuana
25 down to California for a relative. It's somewhat

12

1 the police reports. He outlined that section
2 contained in the police reports that would be
3 offered as far as the response to the offer of
4 proof filed by the State. So I'm sort of aware of
5 that, I guess. Put it that way.

6 MR. BAILEY: In addition to that,
7 Your Honor, Ms. Tammy Lee Rose would also be down
8 there at that reunion. So the portion of the
9 marijuana he had with him was intended for him, as
10 well for his own personal use, both of them taking
11 it on medical assistance.

12 So I guess if that helps clarify that
13 issue --

14 THE COURT: Well, that goes to the issue, as
15 I attempted, and obviously poorly, to articulate,
16 that because there is an included offense of
17 simple possession, the argument you're making here
18 whether it's intent to deliver, possession with
19 intent to deliver, that's an issue in the case in
20 any event.

21 But the -- I'm not rejecting the
22 defense entirely on the fact that it doesn't apply
23 within intent to deliver, because there is an
24 underlying. So the defense would apply to the
25 included charge. And so if you made out a

1 prima facie case, you would be allowed to let it
2 go to the jury. I guess I didn't make that
3 explicit.

4 This is distinguishable from Tadlock.
5 But there is an included defense, and I think the
6 defendant is entitled to put on an included
7 defense, as well as the overriding defense. The
8 difference is what the jury is instructed.

9 MR. BAILEY: Certainly.

10 THE COURT: The jury would be instructed the
11 defense doesn't apply to the underlying. I don't
12 think it would. And we would look at that in the
13 context of the jury instructions, if the defense
14 were to be allowed. My problem is we don't get
15 there.

16 MR. BAILEY: Understood, Your Honor.

17 Moving on to the second point here of
18 immediate harm --

19 THE COURT: Okay.

20 MR. BAILEY: -- what we would offer for the
21 Court today is the simple testimony of Mr. Meyer,
22 and that is what ailments he suffers and without
23 his medication, and, I guess, tangentially,
24 Ms. Tammy Lee Rose without her medication, what
25 immediate harm they would be wrought, I guess,

1 because he hurt so badly while he's driving or
2 before he's driving on the road in Idaho. That
3 most certainly is inappropriate and dangerous.

4 And it goes to not only the first
5 prong, but the second, third, and fourth prong
6 that's necessary for a prima facie case under
7 necessity.

8 There's absolutely no foundation for
9 the admission of what's being proffered or what
10 would be testified to by the defendant. There's
11 no -- there's nothing for that presto
12 recommendation --

13 THE COURT: Well --

14 MS. DUGGAN: -- or the card he's talking
15 about to Tammy Lee Rose.

16 THE COURT: -- I guess I wasn't putting that
17 in -- that is an issue of admissibility at the
18 time of trial. Today I wanted to focus -- I
19 wasn't looking at foundation.

20 MS. DUGGAN: I was addressing Mr. Bailey's
21 argument, Judge. If he's making this argument
22 that it's part of the necessity instruction he's
23 entitled to, then that better be admissible
24 evidence that gets him there eventually. So I'm
25 saying it's just not there.

1 from their suffering.

2 So I guess what our argument would be,
3 Your Honor, is that without the medication, being
4 denied their medication that they have been taking
5 legally in the state of Washington, that the
6 immediate harm would be the symptoms and fallout
7 from being denied their medication.

8 THE COURT: Okay. Ms. Duggan, response from
9 the State?

10 MS. DUGGAN: I have --

11 THE COURT: Limited at this point to what
12 we're talking about, the ability to establish the
13 harm. I want to kind of take this in steps.

14 MS. DUGGAN: The Court is entirely correct
15 that the defendant has failed to bring forward the
16 prima facie case that is required of him in the
17 Hastings case or in ICJI 1512. There is no threat
18 of immediate harm to the defendant.

19 The defendant was the sole occupant of
20 that pickup truck. There is no indication that
21 Tammy Lee Rose, the person he provides to in the
22 state of Washington, was in the truck.

23 This notion he has some immediate harm
24 from his or their suffering intimates to this
25 court that he would be smoking and using marijuana

1 And I think, Judge, you said it would
2 be nice to -- I think Mr. Bailey said it would be
3 nice to have the interview. I do have it marked.
4 I don't know if it has the proper codex. It's
5 State's Exhibit No. 7. I'm happy to proffer it
6 today.

7 But I will let you know, in light of
8 what Mr. Bailey has argued, there is additional
9 information that I think is helpful. And the one
10 I think I want to make clear, Judge, in the
11 briefing that was tendered in the proffer, it
12 talks about a prescription. There is no
13 prescription for marijuana. None of the exhibits
14 indicate there is a prescription.

15 Under Washington law, a recommendation
16 can be made. Those are distinctly different
17 animals. And this is a controlled substance in
18 the state of Idaho with no medical purpose,
19 definitionally, Judge, under Section No. 1 of the
20 Controlled Substances Act.

21 And that's in my briefing. So I think
22 we've got to be real clear about that, too, when
23 we're talking about what this is.

24 Now, the defendant, there's a little
25 new information here that the man was sick in

17

1 California. Whether he is or isn't really,
2 frankly, doesn't make a difference.

3 He indicates the only reason I had to
4 come this way, we have a chuck wagon to take down
5 there to my dad.

6 And how much marijuana do you have?

7 About a quarter pound. I had some I
8 was taking to him, and I had my own. If I had
9 known you guys didn't honor the licenses, I
10 wouldn't have brought it with me. I would have
11 went a different way. I would have told him, no,
12 I can't come that way.

13 He has completely eviscerated prong
14 No. 1 of the threat of immediate harm. If he
15 wants to travel from Washington to Oregon to
16 California, never having tread into Idaho, that is
17 well within his province to do it. And he may be,
18 in fact, allowed to smoke it in those states.

19 THE COURT: Ms. Duggan, in terms of the
20 offer of proof, I'm not suggesting what he's
21 testifying to or what he's offering -- or
22 suggesting that you not be impeaching the evidence
23 or testimony.

24 My issue is strictly if this evidence
25 is offered and believed by the jury, would it

19

1 course, you know, that's from the attached
2 exhibits.

3 Judge, from the State's perspective, he
4 has not made a sufficient proffer on any of the
5 elements of the prima facie case, and therefore
6 would not be entitled to the necessity defense.
7 And if he tries to go there, of course,
8 foundation, admissibility, and all sorts of issues
9 come into play at that point.

10 THE COURT: Thank you.

11 Mr. Bailey?

12 MR. BAILEY: Thank you, Your Honor. Just a
13 couple of points to clarify here.

14 THE COURT: And I want to go ahead and have
15 you address what -- Ms. Duggan went beyond the
16 first element. I'll let you go ahead and address
17 the rest of them.

18 MR. BAILEY: Okay. Your Honor, just a
19 couple of points of clarification. He is
20 traveling to Jerome, Idaho to pick up his father,
21 okay, and a chuck wagon. And then he's going to
22 take that chuck wagon and his dad and go to
23 California where the relative is.

24 THE COURT: I understood that.

25 MR. BAILEY: He's not intending to deliver

18

1 establish a defense? And, in part, what you're
2 arguing is that the jury couldn't possibly believe
3 it because of these other statements.

4 MS. DUGGAN: No, I'm actually not, Judge.

5 THE COURT: Okay.

6 MS. DUGGAN: He has told you he has negated
7 the threat of immediate harm. You don't get to
8 create your own threat of immediate harm under
9 case law or necessity. And he has created it
10 himself. And so if I'm inarticulate in arguing,
11 that's what I'm arguing to you.

12 THE COURT: Okay. I thought you were
13 arguing that the defendant wasn't worthy of belief
14 because of contrary statements.

15 MS. DUGGAN: No, Your Honor. I'm trying to
16 track with necessity here.

17 First of all, there is no threat, as
18 the Court indicated. Second of all, he can't
19 create his own threat by choice of conduct or
20 actions. And that's what he's essentially doing
21 here.

22 He talks about the different strains
23 and the different effects so that they know what
24 kind of effects they're going to get. Those are
25 additional things that we get to learn. And, of

20

1 to his father. If there is any intent to deliver
2 whatsoever, it's not within the state of Idaho.
3 It's in California, where medical marijuana is
4 recognized.

5 Additionally -- and we have her here
6 today, and she can testify to this -- Ms. Rose is
7 going to be in California where he would also be
8 delivering the medical marijuana to her. Okay?

9 With regard to the State's points about
10 him creating his own harm, I guess it depends upon
11 how the Court is going to look at this. Clearly,
12 he has not wished upon himself his own medical
13 ailments, the fused disk in his back, kidney
14 stones. You know, this isn't something he has
15 brought on himself, in a traditional sense. These
16 are ailments he's dealing with. And he is dealing
17 with them in a legal fashion in the state of
18 Washington, that is he is using medical cannabis
19 to treat these ailments.

20 The question of immediate harm becomes
21 if he leaves the state of Washington, what is the
22 fallout from not using that medicine? And he's
23 here today, and he could tell the Court what
24 effects he might suffer from, if that were the
25 case. So I guess that's our stance on the

21

1 immediate harm.

2 THE COURT: Well, I'm taking the effects to
3 be, for purposes of this motion -- and, again, I
4 want to emphasize I'm not deciding factual issues
5 here. I'm looking at this as the evidence as
6 being proffered.

7 MR. BAILEY: Certainly.

8 THE COURT: But I'm taking the effects to be
9 based upon the listing in the doctors's report
10 that was put in, just because it's a convenient
11 summary. I recognize that for purposes of a
12 trial, there might be issues of hearsay or other
13 issues that go on with that. But I'm taking that
14 as the summary of Mr. Meyer's complaints.

15 MR. BAILEY: Yes.

16 THE COURT: And I'm not suggesting that that
17 would be admissible for that purpose of trial.

18 But for my purposes here, is that what
19 you're saying are all of the bad things that will
20 happen to him?

21 MR. BAILEY: Exactly. You're tracking
22 correctly. And I think that's further explained
23 by Dr. McLennon's report.

24 I guess I'll stand for further
25 questions from the Court on that one.

23

1 understand the Court's point on this.

2 I guess what my response would be is
3 that I think Dr. McLennon could shed some light.
4 And I know, Your Honor, that your experience in
5 Drug Court lends a certain amount of insight into
6 this. But --

7 THE COURT: I'm not drawing on my Drug Court
8 insight here. That is a different issue entirely.

9 MR. BAILEY: This point, the legal means of
10 dealing with chronic pain with legal prescription
11 pills, let's say OxyContin and the like --

12 THE COURT: Or Tylenol.

13 MR. BAILEY: -- or Tylenol. But in a
14 heightened chronic pain situation where something
15 beyond over-the-counter ibuprofen would be
16 required, also brings with it some significant
17 dangers and down sides.

18 Now, I understand that this becomes
19 somewhat subjective to my client.

20 THE COURT: Well, it's not just subjective.
21 We're going a little afield here. But a concern
22 might be you become addicted to an opiate, for
23 example.

24 MR. BAILEY: Sure, sure.

25 THE COURT: We're not talking about him

22

1 THE COURT: If we got past the fact that he
2 chose to come to a state where it is not legal, as
3 opposed to taking a route where it was legal and
4 that doesn't implicate element No. 2, the third
5 element is the objective could not have been
6 accomplished by a less offensive alternative
7 available.

8 MR. BAILEY: Yeah. That --

9 THE COURT: Now, when it says, "less
10 offensive," it doesn't mean less offensive to
11 Mr. Meyer. It means less offensive to the people
12 of the state of Idaho and the statutes they have
13 passed.

14 And his complaints of pain, he doesn't
15 say they can't be alleviated, nor does the doctor,
16 that they can't be alleviated by other means. He
17 just doesn't like the other means. How does he
18 get past the --

19 MR. BAILEY: The third prong?

20 THE COURT: Yeah. How does that allow him,
21 in his subjective view of the world, to overrule
22 the criminal statutes in the state of Idaho? If
23 we allow that, then, you know, I can think of all
24 kinds of examples where we would have issues.

25 MR. BAILEY: Sure. And I certainly

24

1 getting here and taking opiates for an extended
2 period of time for which he can be addicted.
3 We're talking about a transitory trip through the
4 state, by the facts of this case.

5 MR. BAILEY: Right. And the other side to
6 this would be subjective, but I think relevant
7 here, in that these prescriptions affect different
8 people in different ways. And some people maybe
9 have negative and adverse reactions to painkilling
10 medication.

11 And I think Mr. Meyer could offer
12 testimony that he has, in fact --

13 THE COURT: Well, I don't have that in front
14 of me at this point, and nothing from the record
15 and nothing from the doctor as a report saying
16 that's the case. I'm sorry. We're not going to
17 stand up and make it up as we go along here.

18 MR. BAILEY: I understand that.

19 But I guess I would offer to the Court
20 that he has in the past -- is familiar or has
21 taken other prescriptions and could testify as to
22 how those affected him adversely.

23 THE COURT: Well, and that may get him past
24 prong No. 4, which is the harm caused is not
25 disproportionate to the harm avoided. I don't

1 know, maybe that's where that would come into
2 play.

3 But I still have a hard time getting at
4 that does not have a less offensive alternative
5 available. But, anyway...

6 MR. BAILEY: And my final point on that
7 would be is that there's no question, I think it
8 is valid, as the Court has pointed out, that, you
9 know, there is somewhat -- I guess you would call
10 it harm to the state of Idaho with somebody just
11 being able to walk into the state and play by
12 their own set of rules or disregard the laws of
13 the state of Idaho.

14 However, in a larger sense, clearly
15 this is medication to be used just by him. And if
16 anyone else is going to have it --

17 THE COURT: No, no, no. It's not medication
18 to be used just by him. Part of your argument is
19 he's giving medication to other people in
20 California and has got a person authorized
21 elsewhere to deliver it.

22 MR. BAILEY: By him and others, but outside
23 the state of Idaho.

24 So that is there's really no -- he's
25 not -- and this is fairly obvious. I think the

1 kind of look in a microcosm of him, and then we
2 have to look at the other implications that are
3 threatened. And the Court hit the nail on the
4 head in objective No. 3, the same objective cannot
5 be accomplished by a less offensive alternative
6 available to the actor. He knows what the less
7 offensive alternative was. He never had to drive
8 into Idaho.

9 The other less offensive term is that
10 he could take ibuprofen for a period of six to
11 eight hours. Even his own doctor who recently saw
12 him on Monday, which, by the way, does not create
13 a necessity, August 24th of 2014, he indicated
14 that he takes ibuprofen. Whether he likes it or
15 it doesn't work as well or he likes the high that
16 comes with the marijuana, different issue. But he
17 hasn't made the prima facie case.

18 There is a lot, quite frankly, at stake
19 here, Judge, because him offering or even trying
20 to manufacture this necessity really does obviate
21 Idaho Law under the facts of this case. And since
22 he has not made out the prima facie case, we would
23 ask you to please find that the necessity
24 instruction is absolutely not warranted in this
25 case.

1 Court understands this. He is not intending to
2 sell marijuana in the state of Idaho and deliver
3 it to the community at large. And I think --
4 THE COURT: So far I haven't seen evidence
5 of that. Again, I haven't seen that.

6 MR. BAILEY: That's all I have.

7 THE COURT: Thank you.

8 Ms. Duggan, anything?

9 MS. DUGGAN: Judge, Mr. Meyer has utterly
10 failed on all four prongs. The Court said perhaps
11 the harm caused on prong No. 4 was not
12 disproportionate to the harm avoided. And that
13 certainly -- if you look only at the individual, I
14 don't believe that there has been that evidence in
15 the proffer represented, necessarily.

16 But the other issue is the harm of him
17 driving on the road having used. Because his
18 argument is he has to use it during that six to
19 eight-hour period, because it's so immediate, it's
20 so necessary, he can't get through. And so that
21 means he's driving.

22 And so the harm is disproportionate to
23 the one avoided. He's driving under the influence
24 of marijuana. And that is dangerous.

25 And, I mean, I think that we have to

1 THE COURT: Thank you.

2 Mr. Bailey, since it's your defense,
3 I'll give you the last word.

4 MR. BAILEY: Thank you, Your Honor.

5 Just in addressing quickly the notation
6 of him being a danger to the community, if he was
7 high on marijuana or feeling the effects while
8 behind the car, he has not been charged with that
9 in this, nor was there really any evidence that he
10 was impaired whatsoever when he was pulled over by
11 the officers.

12 I understand the State's point on that,
13 in that it is a six to eight hour journey. But I
14 don't think that he -- I don't think it's clear,
15 by any stretch, that he was a danger on the
16 roadway because he was under the influence of
17 marijuana.

18 Secondly, Your Honor, I do think if
19 this court were to allow the testimony of
20 Dr. McLennon, as well as additionally the
21 testimony of Mr. Meyer and Tammy Lee Rose with
22 regards to the immediate harm that they would feel
23 by being denied their legal, in the state of
24 Washington, medication, as well as the clear
25 intent here of simply using this in a medical

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1 fashion and not intending it for sale or
2 distribution in the state of Idaho.

3 THE COURT: Idaho doesn't have a medical
4 exception.

5 MR. BAILEY: That's true. I know.

6 THE COURT: So, you know, that's even less
7 of a defense than necessity, I think.

8 Okay. Thank you.

9 MR. BAILEY: But that's my point there,
10 Your Honor. And I would ask this court to allow
11 us to let the jury decide the question with the
12 necessity defense.

13 And that's all I have. Thank you.

14 THE COURT: Thank you.

15 Well, I'm not going to allow the
16 defense in. And at this point, I'm just going to
17 say that the most troubling part of it is there is
18 no evidence proffered of a threat of immediate
19 harm, the type of immediate harm that I think is
20 contemplated by the statute and by the cases.

21 An analogy, perhaps a poor one, but is
22 the person who has someone who is hurt and
23 bleeding and they're speeding down the highway and
24 breaking speeding laws and running stop signs to
25 get someone to the hospital lest they die. That's

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1 they're authorized under California law to use it
2 medically, or the defendant would be a person who
3 under California law would be allowed to give it
4 to them. There's no evidence of that.

5 So I don't think the delivery charge
6 would be -- I don't think it would be subject to
7 the defense. I don't know. A jury may not find
8 delivery. That's up to the jury. I'm not going
9 to get in the middle of that.

10 But on this evidence, I think it would
11 be a disservice and misleading to the jury to
12 instruct them on the necessity defense where the
13 evidence doesn't justify. The fact that someone
14 wants to put on evidence, the fact Mr. Meyer might
15 have been entirely in good faith and not wanting
16 to break the law is not a defense.

17 So, questions?

18 And for the purpose of the record,
19 again, for purpose of the appellate review, if
20 anyone wants to take it there, I am assuming that
21 the doctor would be coming forward, would be
22 available to testify at trial, would testify in
23 accordance with the report that he has given, that
24 Mr. Meyer's testimony would be in accordance with
25 counsel's representations here today as to what

30

1 the type of immediate harm that I think the
2 statute contemplates -- or not the statute, the
3 defense contemplates. And we don't have anything
4 approaching that here.

5 We have someone who will undergo some
6 discomfort for some period of time. And by -- I
7 don't mean to minimize the fact that pain hurts.
8 But it is not putting -- there is no suggestion it
9 puts anyone in imminent danger of life or limb.

10 So beyond that, I think it's
11 questionable that a jury would find existence or
12 come close to find existence of the other
13 elements. But I don't need to get there.

14 I think clearly I'm going to stick with
15 the evidence that I have in the record and the
16 decision that I have to make today, and that is
17 would the defense be allowed to proffer this
18 testimony at trial in defense to the included
19 charge of possession.

20 I do not believe that the fact that
21 there are people in California who may or may not
22 be ill and in need of marijuana where marijuana is
23 legal, but nothing that those people are -- by the
24 defendant's statements, he's going to deliver it
25 to actually are medical marijuana recipients, that

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1 the evidence would show, and that proper
2 foundation could, in fact, be -- I'm not saying it
3 has been or would.

4 But I'm saying I'm making those
5 assumptions so we get down to the very strict,
6 very basic issue we need to decide today. Other
7 issues on foundation and all of that come up on
8 the day of trial, and I would look at them if the
9 occasion occurred as necessary. But I'm not
10 getting there today.

11 I'm not getting there today as to
12 whether the evidence is sufficient to sustain a
13 finding by the jury as to whether or not the harm
14 would be lesser or great. I'm grounding myself
15 today on what I think is a very clear issue.

16 Questions? Mr. Bailey?

17 MR. BAILEY: Just a quick moment,
18 Your Honor.

19 (Brief pause in the proceedings.)

20 MR. BAILEY: Your Honor, what Mr. Meyer
21 would like the Court to know, as far as I
22 understand it, just to clarify with regard to his
23 intent -- I think I've got this right -- with his
24 intent on delivering the marijuana to the state of
25 California, I think the Court is right about that.

1 They have their own procedures with regard to
2 medicinal marijuana. But I think what he wants
3 the Court to know is his intention was to comply
4 with the laws of California.

5 THE COURT: And I can appreciate that's
6 something that can be discussed. If, in fact, you
7 were to be found guilty, it might have something
8 to do with mitigation. But still doesn't
9 establish a defense for the purpose of trial.

10 MR. BAILEY: Thank you, Your Honor.

11 THE COURT: And he's not accused of breaking
12 California law. And I'm certainly not finding him
13 in violation of California law. And the jury
14 wouldn't be asked to determine that.

15 So anything further, Mr. Bailey?

16 MR. BAILEY: Nothing further, Your Honor.
17 Thank you.

18 THE COURT: Ms. Duggan?

19 MS. DUGGAN: My understanding then, Judge,
20 from your ruling, is that he won't be allowed to
21 discuss those issues?

22 THE COURT: That's a pretty broad statement.
23 He will not be allowed to present a defense of
24 necessity to the jury --

25 MS. DUGGAN: Right.

1 issue of other available alternatives. And that's
2 not the basis of my ruling today. I suppose there
3 could be an alternative basis, but I'm going to
4 let the appellate courts deal with it, if they
5 want to.

6 Anything else?

7 MR. BAILEY: Nothing from the defense,
8 Your Honor.

9 THE COURT: Mr. Bailey, have a discussion
10 with your client. It makes no difference to me.
11 I want to make it clear if your client wants to
12 change his mind going forward to trial, I
13 appreciate knowing it because I've got people
14 working on jury instructions and other matters
15 going. But we'll be in recess.

16 Otherwise, we'll see everyone Monday
17 morning at 9 o'clock.

18 MR. BAILEY: Judge, just a real quick one.
19 I have had had a chance to talk to Mr. Meyer. I
20 think we are ready for trial on Monday.

21 THE COURT: Okay.

22 (Recess.)

23 THE COURT: Please be seated.

24 Back on the record in State vs. Meyer.

25 Mr. Bailey, the clerk advised me that

1 THE COURT: We are talking about marijuana
2 here. We are talking about events that occurred
3 on a highway. And so I'm not going to make a
4 broad ruling. We'll deal with that at trial.
5 Because the only ruling I'm making here today is
6 that based on the offer of evidence, the necessity
7 defense can't be considered.

8 And one further comment on the record,
9 just so that it's clear, the State provided copies
10 of police reports attached to their brief. And I
11 am taking those reports into account as background
12 information. And I'm assuming that the officers'
13 recitations in there, that they would be available
14 to testify, just as I do with the physician.

15 I will make a note as to the
16 information off of the Internet regarding
17 marijuana derivatives that are used in the medical
18 field, or may be potentially used in the medical
19 field, in and of themselves are not admissible.
20 But I give them the same treatment, assuming that
21 the State could lay a proper foundation for an
22 appropriate witness that those things were
23 available.

24 But they play really no place in my
25 decision today because that would really go to the

1 your client has decided he wants to tender a
2 guilty plea; is that correct?

3 MR. BAILEY: That's my understanding,
4 Your Honor.

5 THE COURT: Is that correct, Mr. Meyer?

6 THE DEFENDANT: Yes, it is.

7 THE COURT: Mr. Meyer, before I can accept a
8 guilty plea, you and I need to have a discussion.
9 I need you to be certain that your plea is free
10 and voluntarily, and that you understand the
11 consequences of pleading guilty, and to be certain
12 there is a factual basis for your guilty plea.

13 In the course of that discussion, my --
14 the court reporter is taking everything down
15 verbatim. If you change your mind or withdraw
16 your plea or if I should reject it for some
17 reason, everything said up until that point can be
18 used likely in the future.

19 Any questions about that?

20 THE DEFENDANT: No.

21 THE COURT: Please place the defendant under
22 oath.

23 THE CLERK: Do you solemnly swear or affirm
24 that the answers you give in the case now pending
25 shall be the truth, the whole truth, and nothing

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1 but the truth, so help you God?
 2 THE DEFENDANT: Yes.
 3 THE COURT: Counsel, have you had a
 4 sufficient opportunity to discuss this matter with
 5 your client?
 6 MR. BAILEY: I have, Your Honor.
 7 THE COURT: Have you discussed with him his
 8 rights and consequences of pleading guilty?
 9 MR. BAILEY: Yes, sir.
 10 THE COURT: Any reason to believe he's under
 11 the influence of alcohol or drugs today?
 12 MR. BAILEY: No, sir.
 13 THE COURT: Any reason to question his
 14 competency?
 15 MR. BAILEY: None whatsoever, Your Honor.
 16 THE COURT: Do you believe his decision to
 17 plead guilty is free and voluntary?
 18 MR. BAILEY: I do.

19
 20 DOUGLAS MEYER,
 21 the defendant herein, having first been duly
 22 sworn, was examined and testified as follows:

EXAMINATION

23
 24
 25 BY THE COURT:

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1 the care of a healthcare professional and that
 2 you're taking some medications: Mirtazepine,
 3 which I don't recognize; Simvastatin I do
 4 recognize; Coumadin, I don't; Albuterol; and
 5 Levetiracetam.
 6 What are those medications for?
 7 **A. For cholesterol and thyroid, blood**
 8 **pressure and mental health. There's another one.**
 9 **I couldn't think of what it was called.**
 10 **Trazodone.**
 11 MR. BAILEY: Trazodone.
 12 THE COURT: Trazodone?
 13 THE DEFENDANT: Those are for mood and to
 14 help me sleep.
 15 BY THE COURT:
 16 **Q.** Okay. Do any of those medications
 17 impact your thinking ability or your mental
 18 function?
 19 **A. No.**
 20 **Q.** My concern, of course, is that if
 21 you're on medications that impair your judgment --
 22 and this is a pretty serious matter that we're
 23 doing today -- I want to make sure you're thinking
 24 clearly and your judgment is intact.
 25 So should I have any concerns in that

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1 **Q.** Mr. Meyer, do you agree with your
 2 lawyer's answers to those questions?
 3 **A. Yes, I do.**
 4 **Q.** I have a guilty plea advisory form that
 5 has your name on the front of it, what purports to
 6 be your signature at the end of it.
 7 Did you fill that out?
 8 **A. Yes, I did.**
 9 **Q.** Did you have an opportunity to go
 10 through that with your attorney?
 11 **A. Yes, I did.**
 12 **Q.** Did he answer your questions and
 13 explain matters to you that were in there?
 14 **A. Yes, he did.**
 15 **Q.** Did you have any questions about
 16 anything that's in there?
 17 **A. No, sir.**
 18 **Q.** I note that in here you indicate you
 19 have completed the 12th grade and have a high
 20 school diploma?
 21 **A. Correct.**
 22 **Q.** Do you have any difficulty reading and
 23 understanding English?
 24 **A. No.**
 25 **Q.** I also see in here that you are under

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1 regard?
 2 **A. I don't believe so, sir.**
 3 **Q.** Well, I will say from your demeanor now
 4 and earlier this morning when we had the hearing
 5 and from your discussion so far, at least, I don't
 6 personally have any questions.
 7 So can you affirm for me, under oath,
 8 that the answers you gave to these questions are
 9 true and complete?
 10 **A. Yes, sir.**
 11 **Q.** Now, I note in here that you said in
 12 the last 24 hours, you have taken alcohol.
 13 What quantity?
 14 **A. A drink. I went and had dinner and had**
 15 **a drink with it.**
 16 **Q.** Okay. That's fair.
 17 And that is last night?
 18 **A. Yes.**
 19 **Q.** One drink, you're not feeling any
 20 effects of it today?
 21 **A. I hope not.**
 22 **The medications will have an effect on**
 23 **me. The Trazodone and Mirtazepine, they make me**
 24 **kind of lose my balance first thing in the morning**
 25 **for a while. And that's one of the reasons for**

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1 **the medical marijuana, also.**

2 THE COURT: All right. Well, Counsel is
3 there a plea agreement?

4 MR. BAILEY: There is, Your Honor. It's my
5 understanding that the State has agreed here today
6 to allow Mr. Meyer to plead to the simple
7 possession of 3 ounces or more of marijuana.

8 Basically, Your Honor, this is going to
9 be open recommendations to the Court. The only
10 other promise the State has made in regards to
11 this is that the Information Part II, I believe,
12 will be withdrawn here.

13 THE COURT: I didn't recall, was there an
14 Information Part II?

15 MS. DUGGAN: Yes, Judge. If it was filed on
16 1-27-15. And he was arraigned and pled not
17 guilty.

18 THE COURT: And the -- so Count II, which
19 charges --

20 MR. BAILEY: They didn't really charge it in
21 counts, Your Honor. It's just in the alternative.

22 MS. DUGGAN: And so we can strike the
23 language, if you would like.

24 THE COURT: It was an alternative pleading?

25 MS. DUGGAN: Yes, sir.

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1 understanding.

2 BY THE COURT:

3 **Q.** All right. Okay. So, Mr. Meyer, you
4 are pleading guilty to the charge of possession of
5 marijuana in excess of 3 ounces, a felony. The
6 State is going to withdraw the
7 Information Part II, which alleges you are a
8 persistent violator of the law.

9 Because the pleading and the
10 information was done in the alternative, that
11 means the possession with intent to deliver is
12 also not part of it.

13 The State is going to be asking for
14 restitution under the Controlled Substances Act,
15 which provides that the Court may order
16 restitution for the cost of investigation and
17 prosecution of the offense. All other matters are
18 left open for discussion at the time of
19 sentencing.

20 Is that your understanding of the plea
21 agreement?

22 **A. Yes, it is.**

23 **Q.** Okay. Has anything been left out?

24 **A. Not that I can think of.**

25 **Q.** Was there any promise made to you, any

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1 THE COURT: So he's going to be pleading to
2 the alternative of possession of 3 ounces?

3 MS. DUGGAN: Yes, sir.

4 THE COURT: Fair enough.

5 Okay. Any other terms and conditions
6 of the plea agreement?

7 MR. BAILEY: I don't believe so, Your Honor.

8 THE COURT: Do you have the usual no
9 failures, or is that not part of it?

10 MR. BAILEY: Oh, I wouldn't object to that,
11 if the State wants.

12 MS. DUGGAN: Judge, it is open. Those are
13 our standard terms that he -- I don't know if he
14 wants to cooperate with the PSI.

15 MR. BAILEY: Yeah.

16 MS. DUGGAN: And, frankly, if he wants to or
17 doesn't want to, that's his choice.

18 THE COURT: I didn't hear it recited.

19 MR. BAILEY: For the Court's information, I
20 think Mr. Meyer will cooperate with the PSI. And,
21 also, he has been in excellent contact with me
22 throughout this.

23 MS. DUGGAN: And I will be asking for
24 restitution that's allowable under the drug
25 statute, Judge. And that's also part of our

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1 statement that you're relying on when entering
2 this plea agreement that isn't in there?

3 **A. No.**

4 **Q.** Is there anything in there you didn't
5 agree to?

6 **A. No.**

7 **Q.** You understand this is a nonbinding
8 plea agreement? Although, I guess since there's
9 no sentencing recommendation, that really doesn't
10 make much difference.

11 But whatever agreements you have
12 between the Court or between you and the
13 prosecutor at the time of sentencing, I will have
14 a presentence report that will give me your
15 background, including any criminal record you
16 might have. I will have the police reports that
17 are part of this incident. And I will just have a
18 bunch of background information on you. I will
19 have the benefit of the comments of the attorneys,
20 any statement you choose to make, if you choose to
21 make one.

22 And then I will make up my mind what
23 sentence I could impose. In this case, the
24 sentence is up to five years in prison.

25 Are you aware of that?

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1 **A. Yes, I am.**

2 **Q.** And that could be all fixed.

3 Are you aware of that?

4 **A. Yes, I am.**

5 **Q.** There are some other consequences to
6 pleading guilty. In this case, you could receive
7 a fine of up to \$10,000, the possibility of
8 restitution for prosecution as was discussed
9 earlier. You will be required to submit a DNA
10 sample and right thumbprint to the Idaho database.
11 And you could be required to pay court costs.

12 You are pleading guilty to a felony.
13 And the fact that an Information Part II was filed
14 in this case and withdrawn suggests to me that
15 you're probably familiar with the persistent
16 violator laws. But I just want to inquire to make
17 sure.

18 Are you?

19 **A. I kind of understand them.**

20 **Q.** Well, in Idaho, what that means is that
21 if you are accused of committing a felony and you
22 have two or more felonies on your record, if you
23 are found guilty of the new felony and the State
24 proves to a jury that you have two or more prior
25 felonies, you can be found to be a persistent

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1 And there's also a federal statute that
2 prohibits anyone who has pled guilty to a felony
3 from possessing a firearm. So if you have not
4 already lost the right to possess firearms, you
5 will be losing it for the rest of your life.

6 Any questions about that?

7 **A. No.**

8 **Q.** Are you on probation or parole for
9 anything?

10 **A. No.**

11 **Q.** I think we discussed this a little bit.

12 But to make it clear, do you have any
13 emotional or mental issues going on now that I
14 should be aware of?

15 **A. Just the mental health part.**

16 **Q.** Okay. But -- and we have explored
17 that.

18 I want to make sure, I guess as I said
19 earlier, that you are of a frame of mind to make
20 an informed decision today?

21 **A. Yes, I am.**

22 **Q.** I'm sure this is probably stressful.
23 It would be for anyone sitting in your position.
24 Okay?

25 I guess my usual question at this point

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1 violator. Then the maximum penalty for the
2 offense would be life in prison, in regards to
3 what it might have otherwise been. In this case,
4 five years in prison. If found to be a persistent
5 violator, it would no longer be five years. The
6 maximum penalty would be life in prison.

7 Is that --

8 **A. I understand.**

9 **Q.** Okay. So you understand your guilty
10 plea today could be used against you in the
11 future, if you should get in more trouble with the
12 law?

13 **A. Yes.**

14 **Q.** Okay. Some of the other consequences
15 of pleading guilty to a felony depend upon your
16 citizenship.

17 Are you a citizen of the United States?

18 **A. Yes, I am.**

19 **Q.** Upon pleading guilty to a felony, you
20 lose civil rights, your right to serve on a jury,
21 your right to hold public office, the right to
22 vote, and the right to possess firearms. In
23 Idaho, when your sentence is complete, your civil
24 rights are restored, except for the right to
25 possess firearms. You lose that for a lifetime.

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1 is when did you decide to plead guilty, but I know
2 that.

3 So I will move to the question of: Why
4 did you decide to plead guilty?

5 **A. Because you denied my defense.**

6 **Q.** Okay. And you're not otherwise
7 contesting the -- what happened?

8 **A. I am reserving my right to appeal.**

9 THE COURT: I understand.

10 Is this going to be a Rule 11, Mister
11 -- a Rule 11 with reservation? I mean --

12 MR. BAILEY: In that regard, yes,
13 Your Honor. He would like the opportunity to
14 appeal the Court's decision or pretrial rulings.
15 He felt that portion of the guilty plea --

16 THE COURT: Okay. It's my understanding,
17 and maybe I'm misremembering the ruling because it
18 doesn't come up that often, reserve the right to
19 appeal the adverse ruling, I believe that has to
20 be a written reservation. And I don't want the
21 defendant to inadvertently waive --

22 MR. BAILEY: Yeah, yeah, yeah. Let's make
23 sure.

24 THE COURT: -- his right to appeal his
25 decision.

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1 Because, as I say, there's five people
2 up the street that are smarter than I am to fix my
3 mistakes.

4 I guess a conditional plea, a defendant
5 may enter a conditional plea of guilty and reserve
6 in writing the right to appeal from the judgment.
7 That's my concern, Mr. Bailey, is that we have his
8 reservation of the right to appeal in writing.

9 MR. BAILEY: How would you like me to
10 proceed on that, Your Honor? It's mentioned in
11 the guilty plea advisory form. But, obviously, I
12 don't know if that's the writing that it is
13 contemplating.

14 THE COURT: I'm not sure that's the writing
15 that is contemplating.

16 When I've had these in the past, I've
17 had someone using a -- I don't want to call it a
18 standard, but a Rule 11 plea agreement that
19 specifies that he's pleading guilty, preserving
20 the right to appeal. It's not the Rule 11 that I
21 won't accept, which you're familiar with.

22 MR. BAILEY: Yes, I am.

23 Do we have one of those forms
24 available?

25 THE COURT: I don't know. Those are

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1 decision to plead guilty with anyone besides your
2 attorney?

3 **A. My friends.**

4 **Q.** Okay. Have you had the opportunity to
5 get advice from those whose advice you want before
6 making this decision?

7 **A. Yes, I have.**

8 **Q.** And have you had adequate opportunity
9 to discuss it with your lawyer?

10 **A. Yes, I have.**

11 **Q.** Has your lawyer explained matters and
12 answered questions to your satisfaction?

13 **A. Yes, he has.**

14 **Q.** Are you satisfied with the
15 representation you've had?

16 **A. Yes, I am.**

17 **Q.** Before we make this final, a couple of
18 things, you understand if I accept your plea
19 today, you don't get to come back and change your
20 mind later?

21 **A. Yes, I understand.**

22 **Q.** Okay. And if I accept your plea today
23 -- well, if you go forward today, you are giving
24 up legal rights that you would otherwise have?

25 And I want to remind you of what those

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1 generally generated by counsel.

2 MR. BAILEY: Yeah.

3 THE COURT: What I'm suggesting we do is
4 take a timeout, if we could. And let's do that,
5 because I don't want Mr. Meyer losing his right to
6 appeal.

7 MR. BAILEY: Yeah. I'll run downstairs and
8 try to get my hands on one right now.

9 THE COURT: Well, and before we do that, let
10 me go ahead and discuss with him the other
11 matters. And then we'll come back and do it, as
12 long as we're here.

13 MR. BAILEY: Okay.

14 BY THE COURT:

15 **Q.** Mr. Meyer, I guess where we left off
16 was you are reserving your right. You were
17 pleading guilty to the extent you acknowledged the
18 conduct alleged, except that you believe you have
19 a defense that applies. And you want to reserve
20 the right to appeal that.

21 Is that --

22 **A. Yes, sir.**

23 **Q.** That's a fair statement?

24 **A. Yes, it is.**

25 **Q.** Okay. And have you discussed your

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1 rights are. You are presumed innocent, and the
2 State has the burden of proving you guilty beyond
3 a reasonable doubt. That means they must prove
4 every fact that's an element of the crime. And
5 that's standard. If they fail to prove one fact
6 that's an element of the crime, you're not guilty.

7 When you plead guilty, you relieve the
8 State of that burden and they're not required to
9 prove anything. By pleading guilty, you implicate
10 yourself and waive any defects that might exist in
11 the State's case and waive any defenses you might
12 otherwise have, recognizing the right to appeal
13 that I have overruled.

14 Any question about that?

15 **A. No, Your Honor.**

16 **Q.** You have the right to trial in front of
17 a jury. At that trial, you have a right to
18 confront your accusers, cross-examine witnesses
19 brought against you. You have the right to
20 present evidence and testimony in your own
21 defense. You don't have to. But if you chose to
22 do that, you could use the subpoena power of the
23 Court to require witnesses to attend and evidence
24 to be produced.

25 You have the right to remain silent.

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1 You cannot be compelled to testify. But if you
2 choose to do that, you may waive that right and
3 testify in your own defense. When you plead
4 guilty, you give up all of those rights.

5 Any questions about that?

6 **A. No, Your Honor.**

7 **Q.** Any questions about anything that has
8 gone on in your case so far?

9 **A. No.**

10 **Q.** Well, at this point, I normally give a
11 defendant an opportunity to change their mind and
12 withdraw the plea. What I'm going to do instead,
13 at this point, is call for a recess. And let's
14 put the reservation of the right to appeal in
15 writing, so that there's no issue on appeal
16 specifying the ruling.

17 MR. BAILEY: And, Your Honor, just a point
18 of clarification, you're looking for a form?

19 THE COURT: Well, I'm saying in the past, I
20 have seen people present to me things that
21 resemble the Rule 11 agreement that I won't
22 accept. But in there, it does say that the -- I
23 don't know if there's any magic to that,
24 Mr. Bailey. I don't deal with it that frequently.

25 But I know the rule requires that it be

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1 under oath for the purposes of this conversation.

2 EXAMINATION (Continued)

3 BY THE COURT:

4 **Q.** Are you sure you still want to do this,
5 plead guilty?

6 **A. No, I'm not sure, but I have already**
7 **made that decision.**

8 **Q.** Well, let me phrase it a different way.

9 Would you like to withdraw your guilty
10 plea at this time and go forward to trial?

11 **A. Well, you're going to use it against**
12 **me. So I just gave you more evidence.**

13 MR. BAILEY: He just wants a straight answer
14 here.

15 THE WITNESS: Well, I have already pled
16 guilty.

17 BY THE COURT:

18 **Q.** Okay. Then I will ask you to tell me
19 in your own words, understanding that I have seen
20 the tender of evidence this morning, but in your
21 own words, what did you do that makes you guilty
22 of possession of more than 3 ounces of marijuana?
23 When and where?

24 **A. I came into Idaho with a medical**
25 **authorization to have it. But you guys don't want**

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1 a reservation of the right to appeal done in
2 writing. And I don't even know if it requires a
3 plea agreement, other than it does require the
4 consent of the prosecuting attorney.

5 MR. BAILEY: Okay. I'm going to run
6 downstairs, Your Honor, and grab what I know is
7 commonly used in the Magistrate Division that is
8 Rule 11 form. And I'll be back as soon as I can.

9 THE COURT: We'll go off the record. I'm
10 going to leave the bench. And when you're ready
11 to proceed, we'll go forward.

12 MR. BAILEY: Thank you, Judge.

13 (Recess.)

14 THE COURT: Please be seated.

15 MR. BAILEY: Your Honor, I'm hopeful that is
16 satisfying what we're all looking for here.

17 THE COURT: It satisfies me. I trust it
18 will satisfy the appellate courts.

19 MR. BAILEY: Thank you, Your Honor.

20 THE COURT: With that, we're back on -- I
21 guess we are on the record in Idaho vs. Meyer.

22 And I had been, where we left off,
23 discussing with Mr. Meyer his decision to plead
24 guilty in this case.

25 Mr. Meyer, I remind you you're still

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1 **to accept it. So...**

2 **Q.** We will not accept the medical
3 authorization. Let me phrase it a little
4 differently, sir, because I understand this is not
5 something that you are pleased with.

6 The allegation is that on the 24th of
7 August, you were in the -- in Ada County and had
8 in your possession more than 3 ounces of
9 marijuana?

10 **A. Correct.**

11 **Q.** Is that true?

12 **A. That is true.**

13 MR. BAILEY: Your Honor, if we could just
14 put a year on that.

15 THE COURT: It was 2014. I'm sorry I left
16 out the year.

17 THE WITNESS: Yeah, that's true.

18 BY THE COURT:

19 **Q.** And you knew it was marijuana?

20 **A. Yes, I did.**

21 **Q.** Does the State accept the allocution?

22 MS. DUGGAN: Yes, sir.

23 THE COURT: I will accept the defendant's
24 guilty plea. I find that it is free and 000168
25 voluntary. It is done with the understanding of

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1 the consequences that the defendant, at this time,
2 believes the guilty plea, with the reservation of
3 the right to appeal, is in his best interest under
4 the circumstances.

5 The matter will go forward from here to
6 sentencing following the preparation of a
7 presentence report. A part of every presentence
8 report in the state of Idaho is a substance abuse
9 evaluation, a mental health screening, that is
10 arranged through the presentence investigator.

11 Sentence date, Madam Clerk?

12 March 31st at 9 o'clock.

13 Do counsel believe there are any
14 additional evaluations or tests that needs to be
15 done?

16 MR. BAILEY: Not from the defense,
17 Your Honor.

18 MS. DUGGAN: No, sir, Judge.

19 There is one question I have. The
20 materials that were provided to Mr. Bailey in
21 discovery included his Washington -- Mr. Meyer's
22 Washington Department of Corrections records. In
23 some of those records, there are some
24 psychological evaluations in there.

25 And I typically would not put those

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1 in the presentence investigation. That's up to
2 you. I don't hold it against someone if they
3 choose not to participate, that is you don't get
4 punished separately for not participating in the
5 presentence investigation.

6 I will get a presentence investigation
7 anyway. It just won't have the input that the
8 presentence investigator will have gotten from you
9 when I get the report. So to that extent, I guess
10 you can say it might influence the sentencing
11 decision because I have information, that I might
12 not otherwise, that will be there.

13 Again, if you choose to participate in
14 that process is up to you. It is the presentence
15 investigator that arranges for the substance abuse
16 evaluation. And it is based on that evaluation
17 that the mental health screening is done.

18 Again, whether you choose to
19 participate in that is up to you. Like I said, my
20 only requirement is you let the presentence
21 investigator know. I used to say, "she." But now
22 we've got a male doing them. They need to know.
23 If you do decide to participate, then make sure
24 you make yourself available.

25 THE DEFENDANT: Will this be done over the

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1 types of items, you know, necessarily in PSI
2 documents. But I am asking, at this time, if it's
3 acceptable for all of those materials to be
4 provided in the presentence investigation
5 materials for this court.

6 MR. BAILEY: Do you have any objection to
7 the Court?

8 (Brief pause in the proceedings.)

9 MR. BAILEY: My client has no objection to
10 that.

11 THE COURT: And I'll leave that to the State
12 to provide whatever they choose to the presentence
13 investigator, and we'll take it from there. The
14 defense always has the opportunity to object to a
15 portion of the presentence report, if they choose
16 to.

17 Mr. Meyer, one additional thing I want
18 to discuss with you before I conclude today. You
19 will be required to make contact with the
20 presentence investigator.

21 THE DEFENDANT: Okay.

22 THE COURT: And that's the only requirement
23 that I have, is that you make contact with them,
24 so they know.

25 You have the right not to participate

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1 phone, or I make a trip down here?

2 THE COURT: Typically, they prefer to do it
3 in person, but I have known presentence
4 investigators to do it over the phone.

5 THE DEFENDANT: Okay.

6 THE COURT: Okay?

7 But any questions about that?

8 THE DEFENDANT: No.

9 THE COURT: If you have further questions,
10 talk to Mr. Bailey. He's aware of what the law is
11 on that topic.

12 THE DEFENDANT: Okay.

13 THE COURT: We'll see everybody back here at
14 the end of March for sentencing.

15 MR. BAILEY: Thank you, Your Honor.

16 (The proceedings concluded.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Tiffany Fisher, RPR, Official Court
Reporter, County of Ada, State of Idaho, hereby
certify:

That I am the reporter who took the
proceedings had in the above-entitled action in
machine shorthand and thereafter the same was
reduced into typewriting under my direct
supervision; and

That the foregoing transcript contains
a full, true, and accurate record of the
proceedings had in the above and foregoing cause,
which was heard at Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set
my hand April 23, 2015.

Tiffany Fisher, RPR, Official Court Reporter
CSR No. 979

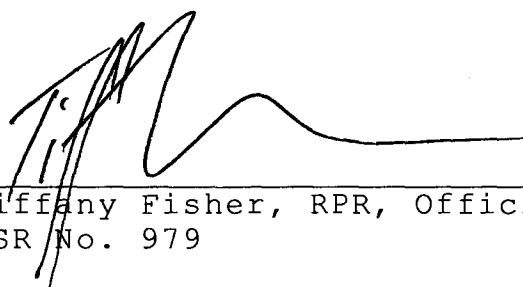
R E P O R T E R ' S C E R T I F I C A T E

I, Tiffany Fisher, RPR, Official Court Reporter, County of Ada, State of Idaho, hereby certify:

That I am the reporter who took the proceedings had in the above-entitled action in machine shorthand and thereafter the same was reduced into typewriting under my direct supervision; and

That the foregoing transcript contains a full, true, and accurate record of the proceedings had in the above and foregoing cause, which was heard at Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand April 23, 2015.



Tiffany Fisher, RPR, Official Court Reporter
CSR No. 979

APPLICATION FOR PUBLIC DEFENDER

Name Douglas Meyer Phone (509) 585 1156

Address 223309 E main st. Kennewick WA 99337
(Street) (City)

Social Security No. (last 4 digits only) XXX-XX- [REDACTED] Date of Birth [REDACTED]

Have you had a public defender before? ☒ Yes ☐ No
If yes, when 2009

Were you able to make bond? ☒ Yes ☐ No
Who posted your bond? myself

Are you employed? ☐ Yes ☒ No
If yes, where? AT&T
How long there? _____
What is your monthly take-home pay? \$ _____

Do you have income from any other source? ☒ Yes ☐ No
What source? SS disability Pension
How much? \$ 1100 + 650 1750

Are you married? ☐ Yes ☒ No
If yes, is your spouse employed? ☐ Yes ☒ No
Where? _____
Spouse's monthly take-home pay? \$ _____

Are you supporting any children? ☐ Yes ☒ No
If yes, how many? _____

Do you pay child support through the courts? ☐ Yes ☒ No
If yes, how much? \$ _____
Are you current on your child support? ☐ Yes ☒ No

Do you own land and/or a house? ☐ Yes ☒ No
What is it worth? \$ _____
How much do you owe on it? \$ _____

Do you have any cash or financial assets available? ☒ Yes ☐ No
If yes, how much? \$ 2600.00 on truck 4000

Do you make monthly installment payments? ☒ Yes ☐ No
If yes, how much? \$ 1100
For what items? Rent Time

What is the total value of all of your property? \$ 12000

Will anyone assist you financially? ☐ Yes ☒ No
Name _____ Phone (_____) _____
Address _____

If you are under legal age, who is your parent or guardian?
Name _____ Phone (_____) _____
Address _____

I am requesting that a lawyer be appointed to represent me, I understand that I may be required to reimburse the public defender at the end of my case to the best of my ability, and I swear under penalty of perjury that the answers above are true and correct to the best of my knowledge.

8 25 14
Date

Douglas Meyer
Applicant's Signature

FILED 259
AM P.M.

MAY 01 2015

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA DEPUTY

STATE OF IDAHO

Plaintiff,

vs.

DOUGLAS EARL MEYER,
Defendant.

Case No. CR-FE-2014-0012367

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Honorable Richard D. Greenwood District Judge, has set this matter for Motion on Tuesday, May 19, 2015 at 03:30 PM, at the Ada County Courthouse, 200 West Front Street, Boise, Idaho.

Dated this 1st day of May, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Clerk

Copies provided to the following:

Ada County Prosecuting Attorney; counsel for the State of Idaho
Interdepartmental Mail

Ada County Public Defender; counsel for the defendant
Interdepartmental Mail

Time	Speaker	Note
<u>2:48:57 PM</u>		CRFE14.12367 State v. Douglas Meyer
<u>2:48:59 PM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Barbara Duggan.
<u>2:49:36 PM</u>	Public Defender	Motion to withdraw guilty plea - withdraws that motion. Needs a sentencing date.
<u>2:49:54 PM</u>	Defendant	Agrees with counsel.
<u>2:50:13 PM</u>	Court	PSI has already been done.
<u>2:50:48 PM</u>	Court	Sentencing - 05.27.15 at 9:00 am.
<u>2:51:20 PM</u>	Court	Addresses the parties.
<u>2:51:25 PM</u>	End.	
<u>2:51:25 PM</u>		
<u>2:51:25 PM</u>		

Time	Speaker	Note
<u>8:55:00 AM</u>		CRFE14.12367 State v. Douglas Meyer
<u>9:01:09 AM</u>	Court	Calls case deft present on bond with counsel Ransom Bailey. State's atty Barbara Duggan and Joshua Haws.
<u>9:01:27 AM</u>	Court	Reviews the file.
<u>9:04:01 AM</u>	Court	Parties have received and reviewed the materials. No corrections or additions. No testimony or statements.
<u>9:04:18 AM</u>	State Attorney	Argument on recommendations. 1+2=3 yrs impose. \$2500 fine. \$2574.46 restitution.
<u>9:12:43 AM</u>	Public Defender	Argument on recommendations. Commute the sentence. \$2500 fine. No objection to the restitution.
<u>9:21:26 AM</u>	Court	No legal cause shown.
<u>9:21:30 AM</u>	Court	Addresses the deft.
<u>9:21:34 AM</u>	Defendant	Statement.
<u>9:31:39 AM</u>	Court	Addresses the deft.
<u>9:36:51 AM</u>	Public Defender	No objection to the restitution.
<u>9:37:04 AM</u>	Court	Enters the order for restitution. \$2574.46
<u>9:37:14 AM</u>	Court	Standard cc and DNA sample thumbprint impression. 5000/5000.
<u>9:38:42 AM</u>	Court	JOC - 6 mos + 2 1/2=3 yrs imposed. Credit for 2 days.
<u>9:39:40 AM</u>	Court	Appeal rights.
<u>9:39:54 AM</u>	End.	
<u>9:39:54 AM</u>		
<u>9:39:54 AM</u>		
<u>9:39:54 AM</u>		

MAY 27 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

JAN M. BENNETTS
ADA COUNTY PROSECUTING ATTORNEY

Barbara Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE20140012367
)	
vs.	)	RESTITUTION ORDER
)	
Douglas Earl Meyer,)	
)	
Defendant.)	
_____)	

WHEREAS, on the 27 day of May 2015, a Judgment of Conviction was entered against the Defendant, Douglas Earl Meyer; and, therefore, pursuant to Idaho Code §37-2732(k) and based on evidence presented to this Court,

IT IS HEREBY ORDERED that Defendant, Douglas Earl Meyer, shall make restitution to the following victim(s) in the following amounts:

DRUG ENFORCEMENT DONATION ACCOUNT

\$400.00

ACPO DRUG PROSECUTION RESTITUTION

\$1,838.50

BCPD ATTN NCO UNIT

\$39.00

BCPD ATTN BANDIT

\$296.96

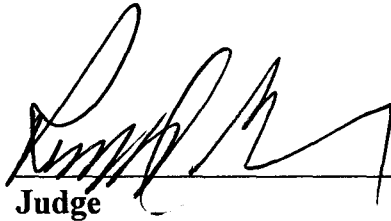
TOTAL:

\$2,574.46

Post-judgment interest on said restitution amount will accrue from the date of this Order at the rate specified in Idaho Code §28-22-104.

FURTHER, it is the responsibility of the Defendant to notify the Restitution Department (208-287-7768) if at any time a victim collects by means of the recorded Restitution judgment.

DATED this 27 day of May 2015.



Judge

MAY 28 2015

CHRISTOPHER D. RICH, Clerk
By ELAINE RUDZINSKI
DEPUTY

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

3
4 THE STATE OF IDAHO,

5 Plaintiff,

Case No. CR-FE-2014-0012367

6
7 vs.

JUDGMENT OF CONVICTION
AND COMMITMENT

8 DOUGLAS EARL MEYER,

9 DOB [REDACTED]

10 SSN: [REDACTED]

11 Defendant.

12 On May 27, 2015, Barbara Duggan, Deputy Prosecuting Attorney for the County of Ada,
13 State of Idaho, and the defendant, DOUGLAS EARL MEYER, with his attorney, Ransom
14 Bailey, appeared before this Court for sentencing. The defendant was duly informed of the
15 Information filed against him for the crime of POSSESSION OF A CONTROLLED
16 SUBSTANCE, FELONY, I.C. § 37-2732(c) or in the alternative, POSSESSION OF
17 MARIJUANA IN EXCESS OF THREE OUNCES, FELONY, I.C. § 37-2732(e), committed on
18 or about August 24, 2014, and his plea of guilty thereto on February 6, 2015.

19
20 The defendant, and defendant's counsel, were then asked if they had any legal cause or
21 reason to offer why judgment and sentence should not be pronounced against the defendant, and
22 if the defendant, or defendant's counsel, wished to offer any evidence or to make a statement on
23 behalf of the defendant, or to present any information to the Court in mitigation of punishment;
24
25

1 and the Court, having accepted such statements, and having found no legal cause or reason why
2 judgment and sentence should not be pronounced against the defendant at this time; does render
3 its judgment of conviction as follows, to-wit:

4 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is
5 guilty of the crime of POSSESSION OF MARIJUANA IN EXCESS OF THREE OUNCES,
6 FELONY, I.C. § 37-2732(e), and that he be sentenced pursuant to the Uniform Sentence Law of
7 the State of Idaho, I.C. § 19-2513, to the custody of the State of Idaho Board of Correction for
8 an aggregate term of three (3) years: with the first six (6) months of the term to be FIXED, and
9 with the remaining two (2) years and six (6) months of the term to be INDETERMINATE, with
10 such sentence to commence immediately.
11

12 Pursuant to I.C. § 18-309, the defendant shall be given credit for the time already served
13 upon the charge specified herein of two (2) days.

14 The defendant shall submit a DNA sample and right thumbprint impression to authorities
15 pursuant to I.C. § 19-5506 within ten (10) days of this judgment.

16 IT IS FURTHER ORDERED that pursuant to I.C. § 31-3201A(b) the defendant shall pay
17 court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of
18 \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$15.00 pursuant to
19 I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5);
20 \$75.00 reimbursement to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 for
21 the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; \$100.00 Emergency
22 Surcharge Fee pursuant to I.C. § 31-3201H; \$30.00 domestic violence fee pursuant to I.C. § 32-
23
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1 1410; Victim Notification Fee (VINE) in the amount of \$15.00 pursuant to I.C. § 31-3204; and
2 \$10.00 for the drug hotline fee pursuant to I.C. § 37-2735A; to be paid through the Clerk of the
3 District Court.

4 IT IS FURTHER ADJUDGED that the defendant be, and hereby is, assessed and ordered
5 to pay a fine in the amount of \$5,000.00, with \$5,000.00 suspended.

6 Pursuant to I.C. § 37-2732(k) the defendant shall pay restitution in the amount of
7 \$2,574.46, plus interest at the statutory rate of 5.125% per annum until paid in full. The
8 defendant shall pay restitution through the Clerk of the District Court.

9
10 The defendant shall pay an amount to be determined by the Department of Correction,
11 not to exceed one hundred dollars (\$100.00), for the cost of conducting the pre-sentence
12 investigation and preparing the pre-sentence investigation report. The amount will be
13 determined by the Department and paid by the defendant in accordance with the provisions of
14 I.C. § 19-2516.

15 The defendant shall be remanded to the custody of the Sheriff of Ada County, to be
16 delivered FORTHWITH by him into the custody of the Director of the State Board of
17 Correction of the State of Idaho.

18
19 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and
20 Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

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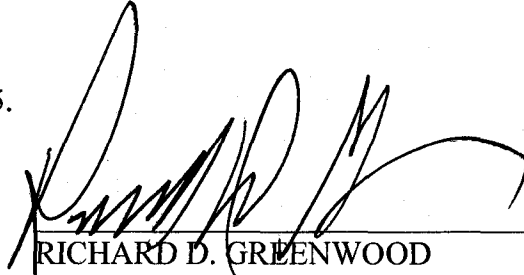
NOTICE OF RIGHT TO APPEAL

You, DOUGLAS EARL MEYER, are hereby notified that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days from the entry of this judgment.

You are further notified that you have the right to be represented by an attorney in any appeal, that if you cannot afford to retain an attorney, one may be appointed at public expense. Further, if you are a needy person, the costs of the appeal may be paid for by the State of Idaho. If you have questions about your appeal rights, you should consult your present lawyer.

IT IS SO ORDERED.

Dated this 27th day of May, 2015.



RICHARD D. GREENWOOD
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of MAY, 2015, I mailed (emailed) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
VIA EMAIL

ADA COUNTY PUBLIC DEFENDER'S OFFICE
VIA EMAIL

ADA COUNTY JAIL
VIA EMAIL

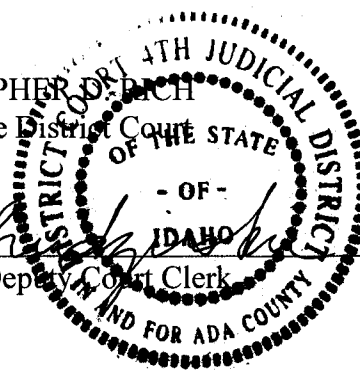
IDAHO DEPARTMENT OF CORRECTION
VIA EMAIL

PSI DEPARTMENT
VIA EMAIL

CHRISTOPHER D. BACH
Clerk of the District Court

By: 

Deputy Court Clerk



Ada County Mugshot - Prosecutor's Office



User: PRKNUTRS



Photo Taken: 2014-08-24 16:30:34

Name: MEYER, DOUGLAS EARL

Case #: CR-FE-2014-0012367

LE Number: 1058773

DOB: [REDACTED]

SSN: [REDACTED]

Height: 507

Weight: 180

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** BLU **Hair Color:** SDY **Facial Hair:**

Marks:

Scars:

Tattoos:

000183

JUN 16 2015

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant-Appellant

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
DEPUTY

107
Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Case No. CR-FE-2014-0012367

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK
OF THE ABOVE-ENTITLED COURT

NOTICE IS HEREBY GIVEN THAT:

- 1) The above-named Appellant appeals against the above-named Respondent to the Idaho Supreme Court from the final decision and order entered against him in the above-entitled action on May 28, 2015, the Honorable Richard D. Greenwood, District Judge, presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to I.A.R. 11(c)(1-10).
- 3) A preliminary statement of the issues on appeal, which the Appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal is:
 - a) Did the district court err by denying the defendant's request for the necessity defense?

- b) Did the district court abuse its discretion by imposing an excessive sentence?
- 4) There is a portion of the record that is sealed. The portion of the record that is sealed is the presentence investigation report (PSI).
- 5) Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by I.A.R. 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
- a) Entry of plea held February 6, 2015 (Court Reporter: Tiffany Fisher, Estimated pages: 50);
- b) Sentencing hearing held May 27, 2015 (Court Reporter: Fran Casey, Estimated pages: 50).
- 6) Clerk's Record. The Appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). In addition to those documents automatically included under I.A.R. 28(b)(2), the Appellant also requests that any exhibits, including but not limited to letters or victim impact statements, addenda to the PSI, or other items offered at the sentencing hearing be included in the Clerk's Record.
- 7) I certify:
- a) That a copy of this Notice of Appeal has been served on the Court Reporter(s) mentioned in paragraph 5 above;
- b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e));
- c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- d) That Ada County will be responsible for paying for the reporter's transcript(s), as the client is indigent (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e)); and
- e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 15th day of June 2015.



RANSOM BAILEY
Attorney for Defendant-Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16 day of June 2015, I mailed (served) a true and correct copy of the within instrument to:


Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho State Appellate Public Defender
PO Box 2816
Boise, ID 83701

Fran Casey
Court Reporter
Interdepartmental Mail

Tiffany Fisher
Court Reporter
Interdepartmental Mail

Barbara Duggan
Ada County Prosecutor's Office
Interdepartmental Mail



Katie Van Vorhis

107

NO. 1030 FILED
A.M. 1030 P.M.

JUN 16 2015

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.


Case No. CR-FE-2014-0012367

MOTION FOR RECONSIDERATION
OF SENTENCE AND FOR LEAVE

COMES NOW the defendant, DOUGLAS EARL MEYER, by and through his attorney, Ransom Bailey, Ada County Public Defender's Office, and moves this Court, pursuant to Idaho Criminal Rule 35, for its reconsideration of sentence upon the grounds and for the reason that the defendant requests leniency.

The defendant also asks that the Court grant leave in order to supplement this motion with supporting documentation and/or other evidence.


DATED this 15th day of June 2015.



RANSOM BAILEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of June 2015, I mailed a true and correct copy of the foregoing to Barbara Duggan, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

107

NO. _____
A.M. (10) P.M. _____

JUN 18 2015

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DOUGLAS EARL MEYER,)

Defendant.)

Case No. CR-FE-2014-0012367

**OPPOSITION TO
DEFENDANT'S MOTION
FOR REDUCTION OF
SENTENCE**

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney for Ada County, State of Idaho, and opposes the Defendant's Motion for Correction or Reduction of Sentence pursuant to ICR 35.

STANDARD OF REVIEW

The Court may correct an illegal sentence or correct a sentence imposed in an illegal manner or may reduce a sentence. There is no claim by Defendant that this was an illegal sentence imposed, and said motion is a request for leniency from the court. I.C.R. 35 motions must be filed within 120 days of the entry of Judgment. This proscribed time limit is a jurisdictional limitation, which must be strictly construed. State v. Parvin, 137 Idaho 783, 53 P.3d 834, 836 (Ct. App. 2002.) Judgment was pronounced in open court on May 27, 2015 so Defendant's Motion for Reconsideration has been filed within the jurisdictional time limit.

STATE'S OPPOSITION TO ICR 35 MOTION (MEYER) CR-FE-2014-0012367, Page 1

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Sam

A Rule 35 motion to reduce a lawful sentence is essentially a plea for leniency. The Defendant has the burden of proving that the sentence is unreasonable. State v. Burnight, 132 Idaho 654, 978 P.2d 214, 219 (S.Ct. 1999.) It is addressed to the sound discretion of the sentencing court and may be granted if the original sentence was unduly severe or unreasonable. State v. Allbee, 115 Idaho 845, 771 P.2d 66, 67 (Ct. pp. 1989.) As a general rule, “[a] sentence fixed within the limits proscribed by statute ordinarily will not be considered an abuse of discretion.” State v. Nice, 103 Idaho 89, 645 P.2d 323 (1982.) A court treats the fixed portion of a sentence as the term of confinement. Burnight at 219, State v. Book, 127 Idaho 352, 354, 900 P.2d 1363, 1365 (1995.) Where the sentence is not excessive when pronounced, the defendant must show that it is excessive in view of new or additional evidence presented with his motion for reduction. State v. Hernandez, 121 Idaho 114, 822 P.2d 1011, 1014 (Ct. App. 1991.) A defendant presenting a motion to reduce sentence must submit new or additional information in support of the motion, and an appeal from the denial of such a motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new evidence. State v. Shumway, 144 Idaho 580, 165 P.3d 294 (Ct. App. 2007.) For a sentence to be considered reasonable, at the time of sentencing the court must take into consideration the objectives of sentencing; whether confinement is necessary to accomplish the objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution applicable to the case. State v. Toohill, 103 Idaho 565, 650 P.2d 707, 710 (Ct. App. 1982.) This requires the court to focus on the nature of the offense and the character of the offender.” State v. Reinke, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982.)

ARGUMENT

ICR 35 allows a defendant to ask the Court to reduce the sentence the Court has imposed, either because the sentence was illegal, imposed in an illegal manner, or simply as an act of leniency. The Defendant has not cited any legally sufficient reason to alter the judgment. The Court entered a lawful sentence that should not be disturbed. The State

requests the Court deny Defendant's requested relief, as no new evidence has been submitted, that would entitle the defendant to leniency by the court. Defendant requests leave to file supplemental documentation and the state objects to leave being granted. Materials and briefing in support of motions are to accompany motions according to Local Rule 8.1 of the District Court for the Fourth Judicial District. The record before the court indicates the defendant was sentenced for his fifth felony conviction. Mr. Meyer was woefully short on accountability or contrition. Defendant had a marijuana agenda that is contrary to the laws of the State of Idaho. Meyer is in significant need of a structured environment that encourages accountability for his illegal actions and the necessity of following laws and rules. Defendant meets every statutory and *Toolhill* criteria for imprisonment. At the time of sentencing the Court noted the State's recommendation was on the "light side." The Court has essentially noted that the recommendation is lenient. The Court imposed a sentence more lenient than the sentence recommended by the state with the Court's sentence being 6 mos. + 2.5 = 3 years. To further reduce a sentence that the court imposed depreciates the serious nature of Defendant's criminal activity. Furthermore there has been no new information that would alleviate these realities or warrant a reduction from the imposed sentence of 6 months + two and a half years for a unified sentence of three years. Most misdemeanor crimes in Idaho carry a potential incarceration period of six months or a year. Meyer's felony fixed term is only six months. Meyer has committed his fifth felony and his felony sentence should not be altered. Reducing the sentence would depreciate the seriousness of the crime, disregard the corrective nature of the sentence, and reward Meyer's gamesmanship or lack of accountability/ remorse.

CONCLUSION

Mr. Meyer's request for reconsideration for leniency is not a request for leniency. Meyer request is that he not be held accountable for his criminal conduct. The court correctly balanced the Toolhill criteria and I.C. 19-2521 and was fully cognizant of the character of the offender and the nature of the offense in imposing sentence. The sentence of the Court should not be disturbed.

DATED this 17th day of June, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



By: Barbara A. Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of June, 2015, I caused to be served a true and correct copy of the foregoing State's Objection to Defendant's I.C.R. 35 Motion upon the individual **Ransom Bailey, Deputy Public Defender, 200 W. Front Street, Room 1107, Boise, Idaho 83702** in the manner noted:

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Legal Assistant

RECEIVED
JUN 16 2015
Ada County Clerk

FILED 121
A.M. P.M.
JUN 30 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant-Appellant

Ransom Bailey
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Case No. CR-FE-2014-0012367

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER
ON DIRECT APPEAL

The Defendant has elected to pursue a direct appeal in the above-entitled matter. The Defendant being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent the above-named Defendant in all matters pertaining to the direct appeal.

IT IS SO ORDERED.

DATED this 17 day of June 2015.



RICHARD D. GREENWOOD
District Judge

CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the Order Appointing State Appellate Public Defender on Direct Appeal as notice pursuant to the Idaho Rules to each of the parties of record in this case in envelopes addressed as follows:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho State Appellate Public Defender
PO Box 2816
Boise, ID 83701

Barbara Duggan
Ada County Prosecutor's Office
Interdepartmental Mail

Ada County Public Defender's Office
Attn: Katie Van Vorhis
Interdepartmental Mail

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date:

June 30, 2015

By

K. Patao
Deputy Clerk

JUL 14 2015

CHRISTOPHER D. RICH, Clerk
By KATHY PATARO
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DOUGLAS EARL MEYER,

Defendant.

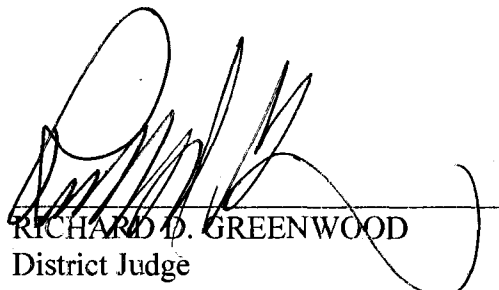
Case No. CR-FE-2014-0012367

ORDER DENYING RULE 35 MOTION

This matter is before the Court on the motion by Defendant Douglas Earl Meyer for relief under I.C.R. 35. The motion asks the Court to reconsider the sentence "for the reason that the defendant requests leniency." Defendant does not otherwise specify the relief requested. Defendant asked leave in the motion to supplement the motion with supporting documentation and/or other evidence. The motion was filed on June 16, 2015. As of today's date, no additional evidence or argument has been offered. The Court deems the motion fully submitted. The motion is appropriate for determination without hearing. This Court carefully considered Defendant's circumstances at the time the original sentence was imposed. The Court declines to reconsider the sentence in the absence of any additional evidence.

The motion is DENIED.

Dated this 13 day of July, 2015.


RICHARD D. GREENWOOD
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of July, 2015, I mailed (emailed) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
VIA EMAIL

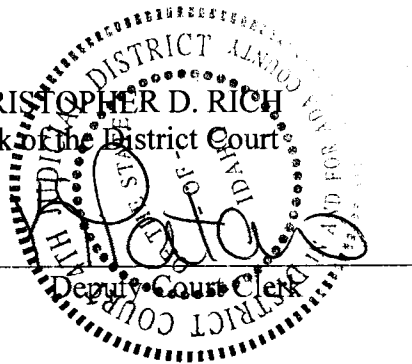
ADA COUNTY PUBLIC DEFENDER
VIA EMAIL

IDAHO STATE APPELLATE PUBLIC DEFENDER
PO BOX 2816
BOISE, ID 83701

IDAHO ATTORNEY GENERAL
CRIMINAL DIVISION
JOE R. WILLIAMS BLDG., 4TH FLOOR
STATEHOUSE MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: _____



NO. _____
A.M. 10:30 FILED P.M. _____

AUG 19 2015

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720
(208) 334-2616

IN THE SUPREME COURT OF THE STATE OF IDAHO

----- x Docket No. 43332
STATE OF IDAHO, :
 :
 :
 Plaintiff-Respondent, :
 :
 :
 vs. :
 :
 :
 DOUGLAS EARL MEYER, :
 :
 :
 Defendant-Appellant. :
----- x


NOTICE OF TRANSCRIPT OF 29 PAGES LODGED

Appealed from the District Court of the Fourth Judicial
District of the State of Idaho, in and for the County of Ada,
Honorable Richard D. Greenwood, District Court Judge.

This transcript contains:

02-06-15 Entry of Plea hearing

DATE: August 18, 2015



Tiffany Fisher, Official Court Reporter
Official Court Reporter,
Judge Melissa Moody
Ada County Courthouse
Idaho Certified Shorthand Reporter No. 979
Registered Professional Reporter

NO. _____
A.M. _____ P.M. 3:12

AUG 20 2015

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

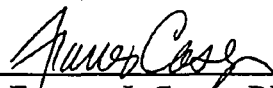
Fax: 334-2616

In the Supreme Court of the State of Idaho

State of Idaho	)	Docket No. 43332-2015
Plaintiff-Respondent)	
v)	
Douglas Earl Meyer,)	
Defendant-Appellant)	

Notice of Transcript Lodged

Notice is hereby given that on August 19, 2015,
I lodged one (1) original and three (3) copies of transcripts 37 pages in length,
as listed below, for the above referenced appeal with
the District Court Clerk of Ada County, Fourth Judicial District.



Frances J. Casey, RPR, CSR No. 696

TRANSCRIPT LODGED
Sentencing – May 27, 2015

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Supreme Court Case No. 43332

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Motion to Seal (Defendant's Offer of Proof), Filed Under Seal, filed February 4, 2015.
2. Presentence Investigation Report.

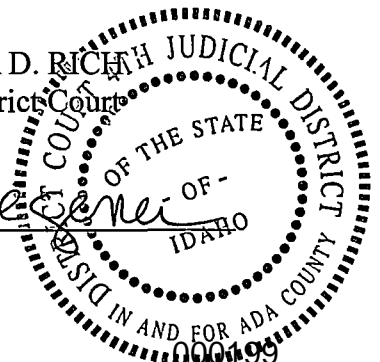
I FURTHER CERTIFY, that the following documents will be submitted as EXHIBITS to the Record:

1. Transcript of Preliminary Hearing held September 25, 2014, Boise, Idaho, filed November 12, 2014.
2. CD attached to Objection to Defendant's Motion in Limine or Anticipated Request for Necessity ICJI 1512, filed February 4, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 21st day of August, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By KW. Wesner
Deputy Clerk



CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Supreme Court Case No. 43332

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

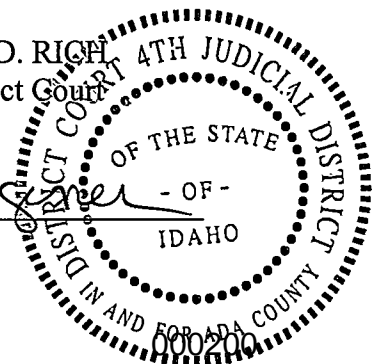
BOISE, IDAHO

Date of Service: AUG 21 2015

CERTIFICATE OF SERVICE

CHRISTOPHER D. RICH
Clerk of the District Court

By KWegener
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DOUGLAS EARL MEYER,

Defendant-Appellant.

Supreme Court Case No. 43332

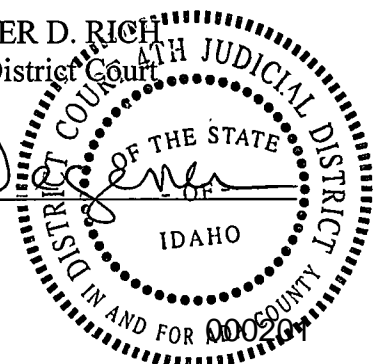
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 16th day of June, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By KW [Signature]
Deputy Clerk



CERTIFICATE TO RECORD